AKWESASNE NOTES

SHACKELTON, RAY AN
RD 1 BOX 146
BRISTOL VT 05443

WHERE THE PARTRIDGE DRUMS

Volume 12, Number 2

Circulation: 100,000

News-stand price:
$1.25

AKWESASNE NOTES PHOTO Cindy Terrance

A JOURNAL FOR NATIVE AND NATURAL PEOPLES

Late Spring Issue--May, 1980

Cover foto – The REZZ

IN THIS ISSUE:

MOHAWK NATION – LATE WINTER – EARLY SUMMER ——— 4
Land claims are the issue behind the State's prosecution of 21 Mohawk Nationals. An update and a history behind the Mohawk struggle.

MOHAWK NATION BRIEF TO THE COURT ——— 9
New Yorks history of fraudulent dealings began in 1784. The State's disregard of United States law and its scandalous treaty history recounted by defense attorneys for the Traditional Mohawks.

NATIVE NATIONS SUBMIT COMPLAINTS TO U.N. COMMISSION ———

AND NOW: NUCLEAR WASTES THREATEN AKWESASNE ——— 11
The nuclear fuel cycle involves the shipment of radioactive nuclear wastes which travels through places where all of live.

EVERYDAY IS GENOCIDE FOR US: ——— 12
An interview with Norman Brown, a young Dene activist, who is involved in protesting the uranium mining in Navajo land.

WELCOME TO AMERICA: Caution: Radioactivity will Injure Your Health ——— 15
The effects of radiation exposure were heard at the National Citizen's Hearing for Radiation Victims in Washington, D.C. From x–rays to uranium mining and nuclear accidents the effects are devestating.

THE NEW INDIAN ELITE: Bureaucratic Entrepreneurs ——— 18
A new era of neo–colonialism has been brought into Indian lands to control Indian resources and development - especially on Northern Cheyenne Reservation.

TRUST THEORY AXED – ALMOST – U.S. vs. Mitchell ——— 20

PETER S. JAMES: Another Case of American Just–Us? 21

NATIVE NATIONS AND THE WORLD COMMUNITY ——— 23

MAINE: Nothing But a Money Grab ——— 24
$81.5 million in trust: 300,000 acres in trust and state jurisdiction - NARF works out "Good Deal" with the federal government

OUR ELDER BROTHER – THE SUN ——— 25
Coal mining, power, and profits – What would happen to them if self–sufficient solar power systems were used?

TRADITIONAL INDIAN HEALTH AND NUTRITION ——— 26
Indian people were once among the healthiest in the world. Today our health as a people is the lowest – the major reason is the change in the kind of food we eat.

SHORT NOTES ——— 29

CHILDREN'S NOTES ——— 31
Uranium, Radiation and Indian People (Navajo, Lakota and Mohawk) with book reviews by Native children

AKWESASNE NOTES
(MOHAWK NATION VIA ROOSEVELTOWN)

ISSN: 0002 3949

AKWESASNE NOTES is published five times annually: March, May, July, September, and December. It is published by the Program in American Studies of the State University of New York at Buffalo; co-publisher is D-Q University , Box 409, Davis, California.

Editorial and circulation offices are maintained on the Mohawk Nation at Akwesasne, near Hogansburg, New York, and at locations near Rooseveltown, New York, and Malone, New York.

2ND CLASS POSTAGE Paid at Rooseveltown, N.Y. 13683 and at Additional Mailing Office, USPS 956640.

USPS 956-640

Postmaster: send form 3579 and all correspondence to:

AKWESASNE NOTES
Mohawk Nation
via Rooseveltown, N.Y. 13683
(518) 358-9531

Recipient: Grant from the World Council of Churches Special Fund to Combat Racism (1975), Robert F. Kennedy Memorial Foundation Journalish Award Special Citation (1973), Marie Potts Award of the American Indian Press Association (1972). Member: Alternative Press Syndicate.

This issue printed by M.R.S. Printing, Gouverneur, New York.

The AKWESASNE NOTES People:

Diane, Eddie, Joyce, Kaientares, Peachie, Segwalise, Katsi, Howie, Tsiorasa, Charlene, Forrest, Raylene, Bernt, Dagmar, Claus, Mary, Beverly, Saka, Carol, Jose, and John. And Charlie. And Michu.

NEEDED FOR NOTES: A copy of Wallace Chafe's book on the Delaware Roundhouse Ceremonies, winter clothing of all sizes, seeds for Spring planting and your assistance in arranging speaking engagements for our Speaker's Bureau (518) 358–9531).

TOTAL COSTS FOR THIS ISSUE WILL EXCEED $15,000. It will reach some 300,000 people. Help the AKWESASNE NOTES survive. If you are one of those people who have been meaning to send us money but just haven't gotten around to it, please, do it today so that we can continue to produce it.

A NEW WAY TO HELP NOTES

Your contributions to AKWESASNE NOTES can now be tax–deductible. The Youth Project of Washington, D.C., a public foundation under 501–C–3 of the Internal Revenue Code has agreed to take NOTES under its wing as a research and educational project.

If you would like to support these efforts and receive the benefit of a tax–deductible contribution your check should be made out to Akwesasne Notes/The Youth Project, and sent to us here at NOTES.

You will receive a letter of receipt that you can keep for your income tax records.

We still do not accept government funds, but we urge you to take advantage of this opportunity to help our message grow.

HOW IT IS WITH US

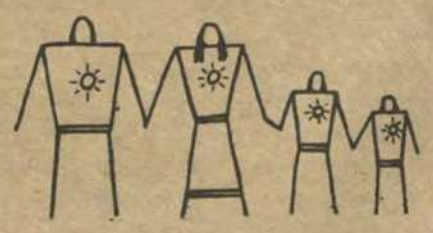
Somplace along the line, we don't know just where, the work we do got bigger than we are. I guess it happened when we became less and less of a clipping service and started writing more and more of our own material. Then it became obvious that if we were going to the the REAL story, we would have to find out what was happening, so we began relying less and less on the mail and other clippings and we started doing more real first–hand reporting.

We think we're starting to do a better job at reporting the events of the Native country, especially that we now have contributors in many parts of the country. We're still novices at this, trying to get at the meat of the stories, trying to analyze the world we live in. But the world we live in is definitely getting bigger. There are more crises which we feel we should be reporting, more stories, more people to talk to, more information to gather. The harder we try, the smaller we feel. We should actually send somebody to cover some of these stories. We probably won't, in many cases, because we can't. We're too poor and we're too small. There is room in this world for a lot of newspapers like AKWESASNE NOTES.

As we were putting this issue together, news came that we are now the ONLY national native newspaper. The other national newspaper has given up the ghost. We have seen many newspapers disappear over the years, all of them because of money. The inevitable is catching up with us too – after 12 years we have decided finally to move to paid subscriptions. It is not a decision in line with our ideology, it is a necessity which is dictated by our realities. We must either charge our readers an annual subscription rate, or go the way of the passenger pidgeon. It has been a miracle that we lasted so long. The generous support of many of our readers has fed that miracle, and for that we're grateful.

We have available a special "Express" mailing list for those people wishing to receive "The Notes" as soon as it is published. The special mailing list subscription charge is $12.00 per year. People on the Express mailing list will also receive the monthly Akwesasne Notes Emergency Phone Tree, ANEPT, Bulletin.

The people who read this newspaper, many of them, send us letters of encouragement every week. And they send us newspaper clippings, which we still find useful and they send their love. We who put the paper together know that however informational and useful AKWESASNE NOTES may be in the world, there are many articles which never reach print because we don't have the space. Maybe some day we'll be able to catch up, print all the stuff that we want to print, and,begin to do the job that we know need to get done in the field of reporting. We're a long way from the community newspaper that started reportin a bridge blockade in 1968, but there's a world of room for improvement in the job we do. That's how it is with us.



On another note, donations are sorely needed to the food fund for the struggle at encampment at Raquette Point. Mohawk people in struggle have been unable to support their families for eight months and truly deserve our support. Send donations to:

Mohawk Sovereignty Committee
Mohawk Nation
P.O. Box 288
Rooseveltown, N.Y. 13683

IS THIS YOUR LAST ISSUE OF "NOTES"?

WE CAN NOT DO IT ANY LONGER!

GENERAL INFLATION AND IN PARTICULAR THE PRICE OF PAPER HAVE CONSPIRED TOO EFFECTIVELY AGAINST US. AKWESASNE NOTES IS SINKING INTO DEBT.

IN ORDER FOR THIS NOT TO HAPPEN, WE HAVE DECIDED AGAINST GIVING THE PAPER FREELY ANYMORE.

WE STILL DO NOT ACCEPT GOVERNMENT OR GENOCIDE–CONNECTED MONEY

WE ARE ASKING THE PEOPLE WHO WOULD SUPPORT US, THOSE OF YOU WHO ARE LIKEWISE INCLINED TO THE SOVEREIGN DIRECTION, TO PAY FOR OUR PAPER.

FROM NOW ON, WE ARE ASKING $6.00 PER YEAR PER SUBSCRIPTION, RAISING THE PRICE PER PAPER TO $1.25.

IF YOU HAVE RECENTLY SENT US ANY MONEY WHICH COULD COVER THAT AMOUNT, THEN WRITE US A NOTE AND YOU WILL BE SO CREDITED.

WE REALIZE THAT THIS ACTION ON OUR PART WILL TRIM OUR EXTENDED READERSHIP. WE KNOW ALSO THERE ARE THOSE OF YOU WHO SHOULD COMMUNICATE WITH US AND DON'T HAVE THE $6.00. MAYBE YOU CAN AFFORD A QUARTER. DROP US A NOTE. TELL US HOW YOU ARE, WHAT YOU GET OUT OF OUR PAPER. WE'LL FIGURE SOMETHING OUT.

THOSE OF YOU WHO READ US ALL THESE YEARS AND HAD GOOD SPENDING MONEY AND NEVER HAD THE COURTESY TO SEND IN A MEASLY $5.00, MAYBE YOU SHOULD RECONSIDER YOUR PRIORITIES AT THIS TIME.

AND TO ALL OUR FRIENDS IN STRUGGLE – TO ALL OF YOU WHO WOULD STAND UP AGAINST THE RAPE OF OUR MOTHER EARTH AND THE OPPRESSION OF HER PEOPLES – WE SAY THANK YOU. WE ALSO SAY: USE US, LET US KNOW HOW WE CAN HELP YOU, GET IN TOUCH.

THE ISSUE WHICH YOU ARE HOLDING IN YOUR HANDS WILL BE THE NEXT TO LAST GIVEN AWAY FREELY TO NON–SUBSCRIBERS. WE URGE PEOPLE WHO NOW RECEIVE THE PAPER TO MAKE THEIR DECISION AS SOON AS POSSIBLE. AS YOU SEND IN YOUR CONTRIBUTION, MAKE SURE YOU SEND US YOUR CORRECT ADDRESS AND ZIP CODE.

ESSENTIALLY, THIS CHANGE MEANS THAT OUR NEW MAILING LIST WILL BE MADE UP OF THOSE OF YOU WHO RESPOND TO THIS NOTICE. WE PARTICULARLY URGE GROUPS, ORGANIZATIONS, SCHOOLS, ETC. TO CONSIDER CAREFULLY AT THIS TIME HOW MANY COPIES PER ISSUE YOU CAN USE. EXCHANGE SUBSCRIPTIONS WITH OTHER ORGANIZATIONS AND PUBLICATIONS ARE ALSO WELCOME.

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We have available a special "Express" mailing list for those people wishing to receive "The Notes" as soon as it is published. The special mailing list subscription charge is $12.00 per year. People on the Express mailing list will also receive the monthly Akwesasne Notes Emergency Phone Tree, ANEPT, Bulletin.

Mohawk Nation--Late Winter-Early Summer

When the Peacemaker established the Haudenosaunee he said there was a necessity to unite, and he used one arrow and broke the arrow and he illustrated to our people that one arrow could break easy, one nation could break easy. And then he bound five arrows together. An attempt was made to break it and it could not be done. And so he said the unity of the nations will be strong like these bound set of arrows. And at the beginning of this world when the world was new, our Creator gave us the sacred tobacco. The tobacco that is not seen anywhere in commercial markets of the United States or Canada. And our Creator said that he gave us this tobacco, that it would be the communicator between us and the universe and the powers of the unseen. – Tom Porter

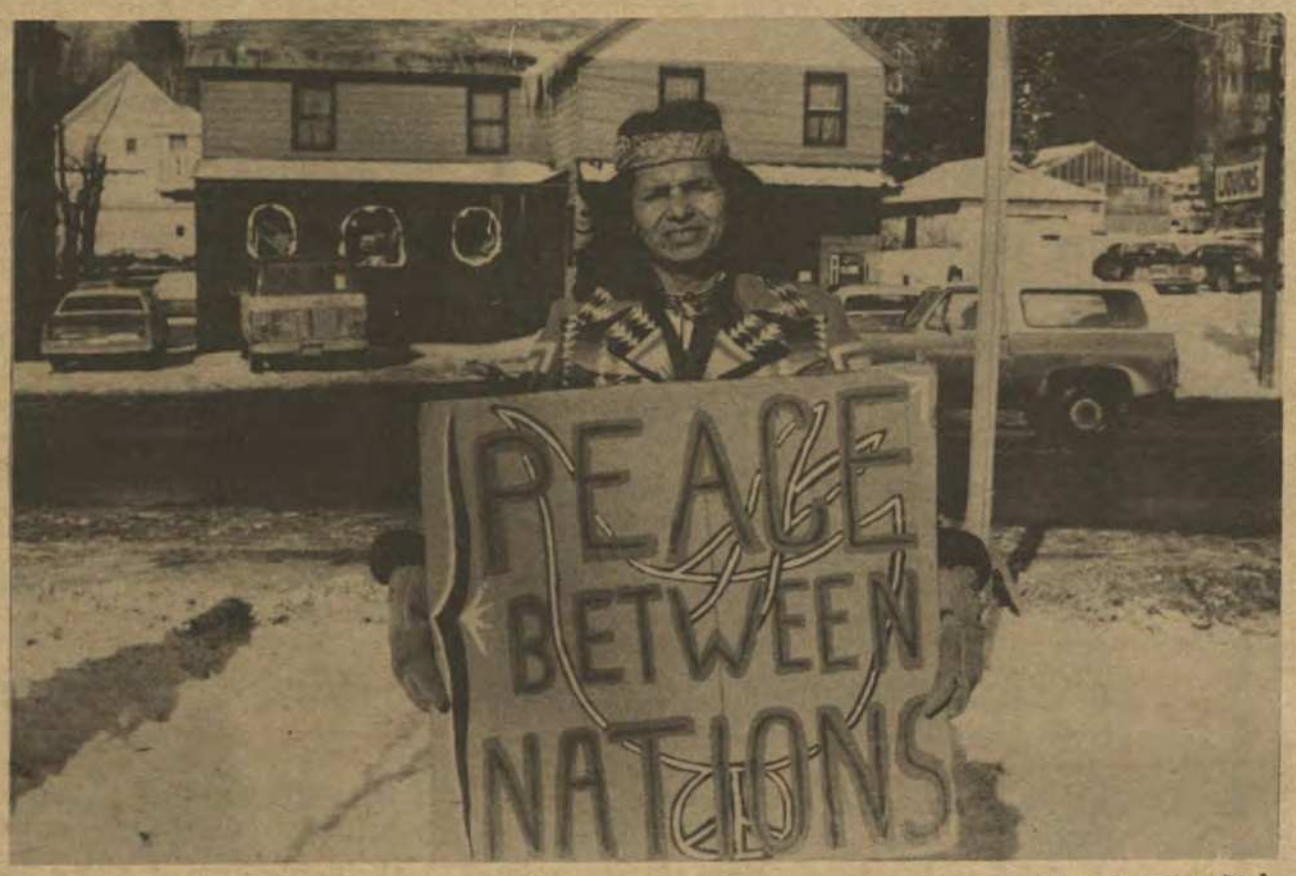


Photo by Louis Cook

You've probably heard at one time or another that most of North America was taken from the Native peoples. You might have seen a movie about the time the politicians of Georgia wanted the Cherokee lands so they got an army together and they rounded up all the Cherokees they could find and force–marched them all the way to Oklahoma. They suffered terribly along the way, many of them dying of exposure and hunger and the diseases they contracted in their weakened condition.

Maybe you heard about the time that gold prospectors and General George Armstrong Custer wanted the Black Hills of South Dakota and that they invaded the Dakota and Cheyenne country and started a war there. Then, after a peace was arranged, the army came in and shot the ponies of the Lakota hunters. With the buffalo slaughtered, the government carried on a conscious effort to starve the Lakota into submission. When even that didn't work, they resorted to fraud to obtain signatures on a release of the Black Hills.

Starvation, military occupations, smallpox–infested blankets, poisoned food, massacres of women and children, fraud, assasinations, forced removals – the history of how the United States acquired its land base from the Native peoples is not a pretty one.

That same history, of course, is shared by the Haudenosaunee (Six Nations) in the area now called New York. At the end of the American Revolution, the Haudenosaunee made treaties which preserved most of their ancient territory. At the time, the Haudenosaunee country composed the most coveted Native lands in North America – perhaps the world. Land speculators, the U.S. government, and New York State were determined to get their hands on that land, and they didn't particularly care how they got it. Hostilities had ended with treaties of peace which guaranteed that the Haudenosaunee would remain in possession of their lands, so acquisition by conquest was out.

At the end of the Revolution, the Haudenosaunee was militarily exhausted, but they weren't defeated. They had the capability of making war, and the United States knew it. For centuries they had military alliances with other Native nations and the new United States was pretty worried that the Haudenosaunee might combine forces with the Shawnees and others and wage war on the frontier all the way to Georgia. They had reason to worry. The newly–formed confederated states were broke. George Washington knew that the U.S. could form an army and mount an expedition into the Haudenosaunee territory, but the U.S. would be bankrupt before the army could get home.

The land speculators (governmental and otherwise) were also caught in a dilemma. New York, for example, was legitimizing settlements in the Indian country even though the presence of these settlements was contradictory to the terms of treaties. To complicate matters, the Haudenosaunee laws and customs required that in any dealings with another nation concerning land, *all* the nations must agree in council. In the history of the Haudenosaunee, the Grand Council had rarely agreed to either land cessions or land sales. In the 1780s, things hadn't changed much on that score – the Grand Council wasn't showing any signs of agreeing to any land sales.

If you can't get a deed from the people who own the land, you have to do the next best thing – get the deed from somebody else. New York State decided to follow a path of getting deeds through treaties with anybody who would sign. Since the Grand Council wouldn't sign, they began dealing with individuals and indivdual nations – sometimes individuals from nations who had no interest in the lands in question – and began explaining away their actions even in the 1780s by stating that the Confederacy of the Haudenosaunee no longer existed and that they were simply dealing with the individual nations.

The land thefts during this period were so outrageous that in 1790 Chief Cornplanter journeyed to Philadelphia to meet with newly–installed president George Washington. Chief Cornplanter was the Seneca Chief who had led the Haudenosaunee military forces during the war. To put it bluntly, he told Washington that if the United States didn't do something to stop these land thefts, the Confederacy was prepared to go to war. Since the United States at that moment was having a lot of trouble paying its debts and a war on the frontier would have been disastrous to the treasury, Washington agreed to do something about the situation. That year, Congress passed the 1790 Non–Intercourse Act, a bill which was intended to put a stop to the activities of New York and other states in its illicit dealings with the Indians. It was also in fulfillment of Washington's pledge to Cornplanter that the United States promised to see to it that in the future Indian nations would get a fair shake in their dealings with the United States.

Pressures and conflicts on the frontiers grew steadily more tense over the next few years. Murders and assaults of Indians by frontiersmen and frontiersmen by Indians was a major cause of the rising tensions. Finally, in 1794, Washington sent Thomas Pickering to the Haudenosaunee to negotiate a new treaty of peace and friendship and to hammer out some kind of process by which disputes between the people of the Haudenosaunee and the people of the United States could be worked out through negotiations.

Pickering came back to the capital carrying the Treaty of Canandaigua. Among other things, it recognized the Haudenosaunee rights as a nation including its rights to self–government, and article VII of that treaty provided for a negotiated settlement of disputes arising because of crimes committed by individual citizens of one nation against individuals of the other. The process by which disputes were to be settled was to be initiated when the President of the U.S. presented a complaint to the Chiefs of the Confederacy or the Chiefs of the Confederacy presented a complaint to the President. There was a clause in the treaty which allowed the United States Congress to create some other machinery for this dispute settlement process – Congress could appoint some other officer besides the President to receive the complaint. The intent of that clause however, was to preserve the principle that negotiated settlement of disputes was to be the proper and agreed upon manner of settling disputes.

Meanwhile, New York State was making treaties left and right with individuals and communities of the Oneidas, Cayugas, Onondagas and others. Sometimes they made treaties with warriors, and on at least one occassion they made a land cession treaty with children. On other occassions they used coercion, bribery, alcohol and, characteristically, forgery. It's doubtful that even one New York treaty with Indians was entirely legitimate.

The legitimate chiefs of the Haudenosaunee were outraged by New York's actions, but the 1800s were evil times for Native peoples. During the first four decades of that century United States armies were pushing westward and were decimating Native peoples all over the continent. As a result of the New York treaties, the Oneidas were eventually stripped of practically all of their lands. Most of them migrated to other lands in Ontario, and Wisconsin. The Cayugas lost practically every inch of their homeland in New York. They were removed to lands in Ontario and Kansas. Most of the Mohawks in the Mohawk River valley area removed to Ontario right after the war, although they maintained their lands and communities in the north, including some lands at Akwesasne.

The Senecas managed to hold on to a few of their territories, and the Onondagas held a small portion of theirs. By 1842, however, New York had taken most of the land, especially from the Mohawks, Oneidas, and Onondagas and Cayugas. New York State made it a policy to ignore the 1790 Non–Intercourse Act, a policy which would cause them trouble in the present time. They also made it their policy to deny the existence of the Haudenosaunee Grand Council and to avoid wherever possible the necessity of dealing with the traditional Haudenosaunee Chiefs.

The federal government was a partner in a lot of this landstheft. Congress gave its blessings to numerous fraud treaties, including the Treaty of 1838 which was intended to remove all the Native peoples from present–day New York State, and the 1797 Treaty by which they claimed to have purchased millions of acres of Mohawk land from essentially two individuals. And there was a lot of land which was taken in violation of the 1790 Act.

The Haudenosaunee continued to protest the fraud treaties and to try to get some land back, but their efforts met with a series of U.S. and New York policies which were designed to consolidate their ill–gotten

"... THE PEOPLE WHO SAT DOWN TO NEGOTIATE THE LAND CLAIM WITH OFFICIALS OF THE INTERIOR DEPARTMENT WERE ROBERT BATSON, NEW YORK'S STATE DEPT. ATTORNEY, ARTHUR GAJARSA, ATTORNEY FOR THE "ST. REGIS MOHAWK TRIBE" AND THE FEDERALLY-FUNDED NEW YORK STATE BACKED AND IMPOSED TRUSTEES. THE TRADITIONAL MOHAWKS AND THE HAUDENOSAUNEE COUNCIL HAD BEEN SENDING MESSENGERS AND LETTERS TO THE PRESIDENTS OF THE UNITED STATES PROTESTING EXACTLY THAT KIND OF SCENARIO EVER SINCE THE AMERICAN REVOLUTION."

gains. The most notorious of those efforts was called the Political Question Doctrine. The courts refused to return lands illegally taken under treaty because they refused to question whether a treaty signed by Congress might be fraudulent. In effect, the act of stealing land was justified by the position that the theft had been made legal because the thief had passed a law saying so.

Enforcement of the 1790 Act was simply never considered. At least, not until around 1970 when the Passamaquoddy people of Maine began to make noises about the land theft there and that it was in violation of the Act. By 1972, it became clear that the states which had violated the 1790 statute just might have a problem, and as it turned out in 1974, the courts were willing to recognize the act as valid and to enforce it. The fact that the United States courts might enforce a 1790 Act protecting native peoples against unlawful land takings is an indication that there are contradictions in the U.S. legal system, and that the states were foolish to have defied the act in the first place.

The federal government's long-term plan since 1946 has been to legitimize all the thefts of Native lands through a system of legal chicanery which involved the creation of the Indian Claims Commission Courts. Those courts were supposed to pay the Indians for the money which they had been cheated out of at the time of the land taking. The Indian Claims Commission didn't operate with an eye toward inflation or toward accumulated interest compensation. And it absolutely did not return any illegaly taken lands. In short, it was a fancy plan to simply put to rest all the legal and moral questions surrounding the unlawful takings of millions and millions acres of land.

But the Indian Claims Commission, ripoff that it was, failed to "settle" all the claims. The Mohawk claims to some valuable lands in St. Lawrence County was one example. Those claims arose because New York had taken the lands in violation of the 1790 Act. Back around 1802 when New York could not get either the Haudenosaunee Grand Council or the Mohawk traditional council to agree to sell the lands, they installed their own boys in office as the "St. Regis" Indian government as "Trustees" and they bought the land from them. The State ignored the 1790 Act.

Around 1970, it came back to haunt them. By 1972, people in Albany and Washington's Interior Department began to realize that they might have a real problem with those claims. Fortunately for them, Louis Bruce was the Commissioner of Indian Affairs under President Nixon. He was also part Mohawk and had relatives at Akwesasne. Bruce undertook to give what federal recognition he could to the Trustees which the State had created, and then opened the gates to increasing amounts of federal dollars to Akwesasne in a plan which would create among the people a dependence on those dollars and which would give some real political clout to the Trustees who had long been distrusted and rejected by the people there. The federal government did the same thing at the same time in the Passamaquoddy and Penobscot communities, working on the theory that people who are dependent on federal dollars can be counted on in a pinch. The rules of the 1970s required at least the color of legitimacy, but also provided opportunities for measures of, well, influence. High on their list of funding priorities was money for a police force which would be armed and ready to do whatever needed doing.

By 1976 the federal government and the states had charted a course for settling pesky land claims arising out of the 1790 Act. Courts were proving too unpredictable and risky. There's always a chance you can lose in court. Anyway, the law is clear that New York's actions in some of these land claims was illegal even in the legal climate of the United States where stealing Indian land had become kind of a tradition. The United States and New York State chose to negotiate the claim settlement.

They weren't planning to take too many chances, however. That year, the people who sat down to negotiate the land claim with officials of the Interior Department were Robert Batson, New York's State Dept. attorney, Arthur Gajarsa, attorney for the "St. Regis Mohawk Tribe" and the federally-funded New York state backed and imposed Trustees. The tranditional Mohawks and the Haudenosaunee Council had been sending messenger and letters to the Presidents of the United States protesting exactly that kind of scenario ever since the American Revolution. Despite all the solemn treaty guarantees, they had been ignored.

Those negotiations over land lumbered along while the federal government stepped up funding to the Trustees right into May, 1979, when one of the traditional Mohawk Chiefs found a federally funded Young Adult Conservation Corps crew cutting trees on his family's property. He confiscated their equipment as security for the damages to the property.

Within a matter of hours, the combined police forces of New York state and the Akwesasne Police came to arrest Chief Thompson on a charge of theft. It is clear that the Trustees were the people who ordered the arrest. They were eager for the chance to get some kind of revenge against the Traditional Chiefs who had challenged their authority for so long. The New York State police were willing accomplices.

Thompson's arrest was clearly an exercise of power intended to prove once and for all that the Trustees and not the Traditional Chiefs were the folks in power. Although the State Police were there and they were more than happy to get their hands on a Traditional Chief, it is not clear that State or federal authorities were in on the ground floor of the planning of this stage of the oppression of the Mohawk Traditional government. To be sure, New York State and at least some federal officials had long been planning a way around the latest round of land claims, and they were committed to back the Trustees, right or wrong.

A week after Chief Thompson's arrest, the Haudenosaunee Council met in the Akwesasne Territory and demanded the resignation of the Akwesasne Police, stating that the latter were violating the laws and customs of the Mohawk Nation. The Akwesasne Police, who had been deputized by Franklin County and paid by the federal government, refused to resign. On May 29, several hundred people marched on the building that housed the police offices and for a third time demanded their resignation. Again they refused. There was a brief scuffle with a minimum of violence, and the police were removed from the building.

Shortly after that, Franklin County District Attorney Joseph Ryan convened a Grand Jury which handed down indictments against 21 additional Traditional members of the Mohawk Nation for the May 29 incident.

Stealing land isn't as easy or efficient as it used to be. In the old days, all you had to do was to take the land and find a few people to sign the deed. Nobody questioned it much. If any of the local Indians raised a ruckus, you simply got the army out and went down and shot everybody involved in the "uprising." In 1979, the world was such that you had to develop an elaborate public relations smokescreen so that people wouldn't be able to see what you were doing.

New York State became involved in the struggle around their Trustees while Ryan was forming the Grand Jury. The governor's people met with State Police officials in Albany and discussed the matter. Given all the options, including the long-standing process for denying Native people any fair participation in land claims matters whenever possible, they decided to simply sit tight and "stonewall" the matter. If they could manipulate the press and reduce the issue to a "criminal" matter, the resistance of the Traditionals would probably break down. The arrests of a number of Traditional leaders and people would have the effect, so the argument went, of breaking the back of the Haudenosaunee. In any case, the Trustees would finally

Two of the several dozen recent international visitors to the Mohawk Nation – (left front) Kachima, Japanese Buddhist Monk and Mario Capanna (fourth from left) – tour Raquette Point encampment along with Chiefs Jake Swamp, Loran Thompson and security personnel. Photo by Louis Cook

". . .THE STATE HAS HOPED TO ARTIFICALLY SEPARATE THE ISSUES OF LAND CLAIMS AND WHAT THEY CALL THE JUDICIAL PROCESS. IF THEY CAN TELL ENOUGH PEOPLE OFTEN ENOUGH THAT THOSE TWO ISSUES ARE SEPARATE, EVENTUALLY PEOPLE WILL BEGIN TO BELIEVE IT. THE STATE'S TRUE AGENDA HAS BEEN TO CONTROL EVENTS IN SUCH A WAY THAT THEY REACH A DESIRED RESULT CONCERNING THE LAND CLAIMS."

be the unchallenged authority at Akwesasne, the State Police and the Akwesasne Police would see to that.

The Traditional Mohawks formed an encampment at Raquette Point to resist the service of warrants which they considered to be illegal. On August 28, the State attacked the Akwesasne Territory in force, entering the homes of some of the Chiefs and terrorizing their families at gun point. A few people were arrested in the early hours of that day.

Then the State Police turned their attention to the encampment. They came out in force with automatic weapons, SWAT teams, the works. For a few tense hours, they threatened to attack. Then they withdrew. Sooner or later, they reasoned, people will have to come out. Time, at least in terms of the warrants, was on the State's side.

On the day before all the excitement, the State sent Raymond Harding to express the governor's position. He didn't want to talk about anything except warrants. He didn't want to talk about all the wrongs the State has ever done or is doing now. He didn't talk about whether the state had a right to interfere in the internal affairs of the Mohawk Nation. What he wanted to talk about was when people were going to surrender to the warrants. "The warrants will be executed," he said, "if not today, tomorrow, if not tomorrow, the next day."

By November 15, six people had been arrested on sealed indictments which had been handed down by Ryan's Grand Jury in August. A court hearing was held in Malone, N.Y. before Judge Jan Plumadore. The issue was the question of whether New York had jurisdiction in this case according to New York State laws. William Kunstler from the Center for Constitutional Rights and Howard Berman from the Indian Law Resource Center appeared for the defendants. Joe Ryan, who had manuevered the issue to promote himself from a part–time D.A. to a full time one, argued the prosecution's case. Judge Plumadore reserved his decision. It would take him five months to give his views on some of the issues before him.

The days stretched into weeks. At the encampment, Thanksgiving Day came and went without any celebration. "It's just another Thursday here," one of the young men said, pointing to the fact that the absence of celebration was an intentional response to a United States holiday for which Native people have little to celebrate. Eleven years earlier, Thanksgiving had been joyfully celebrated on Alcatraz Island during the Indian occupation which many people feel initiated a new era of Native resistance. Things have changed in eleven years.

The people at the encampment made plans to dig in. They constructed buildings and brought in a supply of firewood. A root cellar was constructed and foodstocks were gathered. People's garden harvests were brought to camp. People girded themselves to resist inside the encampment through the bitter cold of a St. Lawrence winter. Chief Loran Thompson summarized the sense of determination and urgency with which Mohawk people made preparations for the winter encampment. "We have to stick this out," he said. "We either make the stand now or our children won't have the ground to make it on."

More motions went before the Court in December. Then judicial silence.

Putting the question of whether a state court has jurisdiction over Indian lands and people before a state court is a little like asking the proverbial wolf if it would mind guarding the proverbial chickens. The same question put before somebody else would almost certainly produce a different response. On December 11, Governor Matheson of Utah sent a letter to Governor Carey stating that New York's request for the extradition of Lawrence Daniel Jacobs, a Mohawk who had been arrested on a fugitive warrant, had been denied. Utah authorities didn't think that New York's argument alleging its jurisdiction was strong enough to require extradition. It's very rare for a governor to refuse an extradition request. The political nature of the charges was so obvious even to people in Utah that Carey's request was not respected.

At the end of December, Raymond Harding resigned from full–time membership on Governor Carey's staff. Carey accepted his resignation and asked him to continue work in several fields. Interestingly, three of the four areas Harding was asked to work in were Indian land claims, the Mohawk situation, and his duties as head of New York's national guard.

Throughout this period, New York's official position remained fixed. Asked about the political implications of the situation at Akwesasne, the governor's office focused on the issue of the indictments. Carey's public position is that the governor's office will not become involved in the "judicial process." A spokesman for Carey, Stephen Morello, issued a statement on January 9, saying, "There is no intention to become involved in the judicial process as it relates to the indictments." That is not to say that the state is not involved in what is happening at Akwesasne. The purpose of their public position is intended to separate the larger issues from the judicial process. Clearly, the State has a stake in how things turn out, and has been anything but inactive in the political processes at play. In fact, you might say the State has been the main actor in those processes. The words "land claims" do not appear in any statement by the governor's office in discussion of the Akwesasne indictments.

From the beginning of this issue, the State has hoped to artificially separate the issues of land claims and what they call the judicial process. If they can tell enough people often enough that those two issues are separate, eventually people will begin to believe it. The State's true agenda has been to control events in such a way that they reach a desired result concerning the land claims.

It is clear that they intend to use the State Police and pressures by ultra right wing political forces in Franklin County to pave the way for total control over Akwesasne politics, and that they are prepared to use force if that is necessary. A necessary step in that plan is to develop a public relations stand which will make the eventual use of force seem justified in public opinion.

In February, the Olympic flame was headed north, winding its way toward the 1980 Winter Olympic Games held in Lake Placid. In the town of Livingston several hundred people gathered to watch representatives of the Haudenosaunee welcome the torch runners to the traditional boundary of the lands of the Ganienkehaka or Mohawk Nation. It was a symbolic ceremony – the welcoming of international athletes to the land of the Mohawks. The local press reported the event, the world's sports–minded eyes then focused on the most popular of international quasi–political events.

At about the same time, an Italian delegate to the European Parliament arrived on the Olympics–dominated scene to look into allegations of U.S. and New York State abuses of the Mohawk People. His name was Mario Capanna. In an interview with the press, Capanna stated that following his initial investigation of the situation at Akwesasne, he became convinced that "the United States is not fulfilling its treaty obligations" to the Mohawk Nation. He further said that he thought the matter is one of "international concern."

Capanna wrote to both Governor Carey and President Carter, requesting a meeting between himself, government leaders, and Traditional Chiefs of the Haudenosaunee, including Mohawk Chiefs. His request for a meeting was ignored. His letter to Carter stated that the Indians are "currently being subjected to a serious violation of the fundamental right of self–determination by the authorities of New York State." He also said, in a statement to the press, "it has come to the point that an entire Mohawk community has been surrounded during these many months by the military forces of New York State."

The Carter administration has been surprisingly vocal about human rights violations outside the United States. Mario Capanna has placed a resolution before the European Parliament which would mark a first – a European body questioning alleged human and international rights violations within the United States. Capanna's resolution calls for initiatives to be sent to the United Nations and the United States, urging recognition of the sovereignty and treaty rights of the Haudenosaunee.

Politics and Native affairs played a role in non–athletic events at Lake Placid. Harry Fregoe, the Mayor of the Olympic Village, vetoed plans for a cultural presentation by Voices From the Earth. That rebuff resulted in considerable publicity in European newspapers, especially in Germany where one of the largest West German publications carried a long article outlining the struggle in the Mohawk country and which delineated the issues in a way which was encouraging to Mohawk Traditional people.

While the world's attention was focused on the Olympics, another drama was beginning to unfold at Akwesasne. On February 12, Richard Jock, the director of the federally–funded health services program, was fired. Jock told the *Fort Covington Sun* that, "I was 'warned' to find an excuse to fire the 'Longhouse' (Traditional) people on the St. Regis Mohawk Health Services, including my secretary and others even though they had in no way participated in the public takeover of the community building." Jock went on to say, "Mr. Rudolph Hart (Sr.) said that because he was the boss, I should do whatever he says, legal or otherwise. I stated that I couldn't." Jock further stated that on several occasions Trustee Rudolph Hart had refused to sign his paycheck. "If you disagree with him during a certain week, you can count on not having your paycheck signed. It's just harrassment."

Most of the health board members stated that there was no money missing or evidence of wrongdoing on Mr. Jock's part. The Jock firing set into motion a movement to recall or impeach the Trustees because the Trustees were acting more and more like tyrants and because they had acted well beyond the limits of their authority in firing people without cause or due process.

By February 20th, the people who were supporting the reinstatement of Richard Jock delivered a peitition to Sub–Trustee Allen Jacobs asking for a special meeting with the Trustees. When people arrived for the meeting they were told that they would be arrested under orders of the Trustees if they tried to go into the "community building." The Trustees refused to meet with anybody again on March 1. At this meeting, it was decided that there would be another meeting the following Saturday to hold a recall vote for the positions of the Trustees, Sub–Trustees, and clerk.

Although there are some 7,000 Akwesasne Mohawks, there are said to be 2,700 enrolled members of the "St. Regis Mohawk Tribe". The average election has fewer than 300 voters. Last year, 325 voted, and that was probably a record turnout. The recall vote took place on March 8, and 295 people voted. Head Trustee Hart was voted out of office 276–19. Leonard Garrow lost 211 to 80, and Reginald White lost 250 to 36. Very few Traditional people voted.

The people who organized to reform the "elective system" call themselves the Concerned Enrolled Members. Dr. Solomon Cook, an affable man in his sixties, is a leader of the organization. He stated that the

"THE SIGNIFICANCE OF THE RECALL VOTE, THE REFUSAL OF THE TRUSTEES TO ABIDE BY IT, AND RYAN'S APPEARANCE WAS THAT THOSE EVENTS ADDED WEIGHT TO A GROWING SUSPICION THAT THE STATE'S DETERMINATION TO CONTROL INTERNAL AFFAIRS AT AKWESASNE WAS ABSOLUTE. THE RECALL VOTE ALSO SERVED AS AN INDICATION THAT THERE WAS NEGLIGIBLE SUPPORT FOR THE CURRENT TRUSTEES AND ERODING SUPPORT FOR THE "ELECTIVE" SYSTEM EVEN AMONG THAT SECTOR OF THE POPULATION WHICH HAD PARTICIPATED IN IT."

Concerned Enrolled Members were taking every avenue possible to peaceably solve the community's problems, but were met at every turn with threats and repeated acts of violence. "Which side is best called militants?" he asked. "The people only want the simple basic rights which enable them to live peacefully and for their voice to be heard in the governing of the land they live on."

Despite the recall vote, the Trustees refused to step down. The day after the recall vote, the Akwesasne Police informed the Concerned Enrolled Members that they were under orders to arrest anyone who tried to use the community building that day. Dr. Cook stated, "Any groups or individuals who do not agree with the (Trustees) are automatically labelled Longhouse or troublemakers and are gotten rid of." He then informed the people gathered at the building that the Trustees had held a secret meeting the previous week and had dissolved the Health Board for "insubordination" surrounding the events following Richard Jock's firing.

The Trustees stated that the recall vote was invalid because only 295 people participated compared to 325 during the last election. They further stated that the New York State law is what keeps them in office. At least they had that part straight. Members of the Concerned Enrolled Members issued statements that the Trustees are backed by a very small minority. There wasn't much doubt about that at that point.

Two days after the recall vote, while people were gathered around the offices, District Attorney Ryan arrived quite early in the morning. He was accompanied by State Police Major Schneemann. There were a lot of State Police there that day. Ryan met with the Trustees. Later, Ryan emerged and announced that he was there to mediate. Then he told the people that the Trustees had assured him that they would meet with the people on March 25. Of course, on March 25, the Trustees refused to meet with anyone.

At the March 29 tribal council meeting, the deposed Trustees Hart, White, and Garrow declared the recall vote invalid. More than 300 people attended the meeting. A motion was made and seconded that the recall vote be declared valid. The Trustees refused to call a vote on that motion. When the Trustees were unable to table the motion, Brenda La France, one of the Enrolled Members, got up to chair the meeting. The show of hands vote counted 101 in favor of validating the recall vote, 3 against. The new Head Trustee, Allen Jacobs, chaired the remaining portion of the meeting. The March 29 meeting served to indicate the extent to which the state–backed Trustees had been repudiated by the voting population at Akwesasne. At a public meeting which they chaired, only three people had voted to keep them in office.

One fact about Akwesasne politics is rarely mentioned in the press reporting events there. For the most part, the Traditional people at Akwesasne do not vote because they believe that even voting against the "system" is a form of participation, and they will not participate in a system which was imposed upon them by an alien law. That is the major reason that the number of people who participate in the elective process is so low.

The significance of the recall vote, the refusal of the Trustees to abide by it, and Ryan's appearance was that these events added weight to a growing suspicion that the State's determination to control internal affairs at Akwesasne was absolute. The recall vote also served as an indication that there was negligible support for the current Trustees and eroding support for the "elective system" even among that sector of the population which had participated in it.

Any lingering doubts about the objectives of the BIA and the State of New York should have been erased when the BIA came to town on Thursday, April 3. The BIA sent Harry Rainboldt and Bill Seneca (a former Seneca Nation President). New York sent Robert Batson, the fellow negotiating the land claims for the State, and Ward Dewitt. They met with the recently deposed Trustees and the recently installed Trustees, Harry Rainboldt opened the meeting. He essentially began with a threat that there were $3.5 million coming into the community every year, and if people like that money, they had better quit making a lot of noise and get to supporting the old Trustees. He actually couldn't say that the community would lose all of the money, but he pretty much promised that the $500,000 or so of BIA money depended on a happy BIA, and the old Trustees made the BIA happy.

Ward Dewitt, a black man in the governor's office, got right to the point. He said that the State was going to recognize the Trustees Hart, Garrow, and White, that the federal government was going to follow the State's lead, and that neither government was about to recognize *any* recall election. You have to go to meetings and say those kinds of things when you are plotting to deny people their rights and when you have a big land claim that you are manuvering around. One of the officials of the Concerned Enrolled Members left the room and went outside to talk to the people. In a few minutes, he returned. He told the State and BIA officials that the Akwesasne people were ready to give up any and all funding if they could have their rights. On that note, th the meeting came to an end.

It could have been a coincidence (if you believe in coincidences) but the first and most critical part of Judge Plumadore's decision was rendered the night before the land claim issue surfaced at a public meeting in the Flanders Inn at Massena. The meeting was not called for the benefit of the Akwesasne people, but was to inform businessmen in Massena of the progress toward a settlement of the Mohawk claim to lands in St. Lawrence County. In attendance were Trustee attorney Arthur Gajarsa, N.Y.'s Robert Batson, Congressman Bob McEwen and several other government officials, and 25–30 local businessmen. Trustees Hart and White also attended.

For some reason or other, Arthur Gajarsa had said in a newspaper interview in March that he was the attorney for the "tribe" and not for the "tribal council." Two days after he appeared at the Massena meeting, the Concerned Enrolled Members met. By a unanimous vote, they decided to fire Gajarsa. Their termination letter read, in part: "The St. Regis Mohawk people have become increasingly disillusioned by your continued participation in the failure to notify the Mohawk people about the affairs of the tribe, and more recently the land claims. It has become apparent to our Mohawk people that their interests are no longer the priority but the almighty dollar. At this time the people do not even know what your percentage of the land claims will be."

Right after that, Gajarsa changed his tune. He was henceforth to be addressed as the attorney for the St. Regis Mohawk Tribe, period. It was no subtle distinction. Ryan's second brief, his supplemental memorandum of law, was written by none other than Art Gajarsa. The point that was argued in that brief was that New York State had the power to impose a government at Akwesasne. The lawyer who was supposedly representing the Mohawk people in a land claim issue was arguing that the same state that had taken Mohawk land illegaly in the early 19th century had legitimate power to determine the internal governing structure of the Mohawk people. It is of note that Gajarsa had made the same arguments in a 1972 case which involved the eviction of Mohawk people from Mohawk land under a State law. Mr. Gajarsa has been very much an activist in Akwesasne politics for a long time.

In 1972, he extracted a contract from the Trustees which guaranteed him a share of any monies won in a matter not a land claim: 25% of the first $750,000, and 10% of the balance. Here we have a man who can be suspected of having a strong interest in the outcome of any land claim settlement involving the "St. Regis Tribe".

On April 9, 1980, County Court Judge Jan Plumadore issued his long–awaited decision on the arguments of the Mohawk Nation attorneys that the State of New York has no jurisdiction over the territory or people of the Mohawk Nation. Despite the clear language of the 1794 Treaty of Canandaigua to the contrary, Plumadore ruled that the State does have jurisdiction based on an ambiguous grant of authority from the United States Congress in 1948.

Not content with that ruling, the judge went on to say that the people of Akwesasne are not the Mohawk Nation nor are they any part of the Haudenosaunee!

". . . the Indians at St. Regis are legally just that, St. Regis Indians, despite the fact that most are ethnically Mohawk. Whatever their revived cultural identity may be, it changes their legal status no more than that of the average U.S. citizen who traces his/her ancestry back to England, Poland, Germany, Ireland, China, Africa or wherever."

This arrogant misuse of judicial power was, of course, based on a version of history rooted in the racism of the Nineteenth Century. "The St. Regis Indians" was a designation created by New York State in the land swindle period when the State sought to seize Indian land by disregarding the Iroquois Confederacy. The same designation was used by Judge Plumadore to sever the Mohawk people from their rights under the Treaty of Canandaigua. In a later decision, Plumadore dismissed all of the indictments against Kenneth Thompson, and several indictments against other defendants because the evidence given to the Grand Jury was insufficient to support the charges. That decision was an obvious embarrassment to D.A. Ryan. Of the 16 indictments against 5 Mohawk people, 10 were dismissed for lack of the barest evidence. With one exception, all of the reamining indictments are for the crime of conspiracy. A conspiracy charge is the mark of a political prosecution. The looseness of the conspiracy laws has historically been used by state and federal governments to eliminate dissent or popular political organizations. The Mohawk people have been in effect charged with "conspiring" to enforce their own traditional laws.

A week after Plumadore's decision reached the press, Franklin County Legislator Paul Maroun began talking about forming the kind of vigilante squad which used to be called a "possee" in the days of the wild west. He made a speech at a meeting of the county legislature, threatening that if Governor Carey does not move against the people encamped at Raquette Point, he would move to swear in county deputies to do the job. In a masterful display of doublespeak he added, "we'll be forced to take action before someone gets hurt or killed." That outburst was followed by some even more serious talk about what to do about Indian land claims. The day following Maroun's announcement, State Assembly Minority Whip Glen Harris introduced legislation in Albany which would direct the State's Attorney General to defend all land owners and local governments against any Indian land claims. He also made a statement to the press that there are Indian claims to more than 5 million acres of land in 13 counties in New York. The next Friday, Maroun announced that he was considering running for the Republican nomination for state senator in the 43rd district.

April 19 was the day of the Unity March at Akwesasne. Organizers of the march intended to organize a demonstration which would march from the hamlet of

"THE STATE'S STRATEGY OF ENFORCING ITS LAWS TO MAINTAIN A COMPLIANT GOVERNMENT AT AKWESASNE WHICH WOULD RESULT IN AN "ACCEPTABLE" LAND CLAIM SETTLEMENT CONTINUED TO MOVE FORWARD. IT WAS MAY 19 WHEN THE FRANKLIN COUNTY LEGISLATURE MET WITH STATE OFFICIALS TO DISCUSS 14 NEW PEOPLE TO MAN THE AKWESASNE POLICE FORCE, 'THUS GIVING THE AKWESASNE POLICE THE MUSCLE IT WOULD NEED TO ENFORCE STATE LAWS,' ACCORDING TO AN ARTICLE IN THE WATERTOWN DAILY TIMES."

Hogansburg to the encampment at Raquette Point. (See cover photo.) The march was a huge success. About a thousand people marched, some of them carrying signs announcing that they were Mohawks, not "St. Regis Indians." The people marched to the encampment where the gates were ceremoniously opened and speeches were made discussing the need of the Mohawk people to stand united against outside interference in their affairs. The target of the march was specific – people were outraged at the decision of the court and the behavior of the New York State Police and State and BIA officials. It was the largest demonstration unity among the Mohawk people at Akwesasne in recent times and it gave visible proof that things were happening at Akwesasne which bode ill for the well–laid plans of mice and men. And the State and the BIA. It was a joyous occasion in the encampment and a clear signal that the Mohawk people were prepared to act as a united people.

Joe Ryan met with a delegation of people from Akwesasne on May 6. They handed him a petition signed by 1035 Mohawk people. The petition requested that charges be dropped against the traditional people encamped at Raquette Point. Ryan replied that the petition would have "no bearing" on his "fulfilling his duty as district attorney." He also said that he noted that there numberous address of signatories of the peition listed at Cornwall, Ontario, and Rochester and "other places off the reservation." Not every single enrolled member at Akwesasne resides on the "American" side, many have residences on the Island and some even live in cities. But then, It's not relevant whether the signatures are valid, Joe wouldn't be swayed in any event. It's just that he keeps bringing that point up.

Meanwhile, back at Akwesasne, the Committee of Concerned Enrolled Members made a decision to move ahead with a civil suit charging civil rights violations and seeking damages from the Trustees. They issued a statement that they were entering into the lawsuit "to benefit all the people on the reservation and to ensure that in the future our children will not be subjected to the tyranny and dictatorship that we have experienced under the guise of New York State Law and the Bureau of Indian Affairs recognition."

The civil rights lawsuit which they filed in federal court alleged abuses, which, if proven, would have probably resulted in some redress by the courts in any case involving non–Indians. The lawsuit, however, highlights the dilemma Native people face in U.S. courts. Although they may be able to prove outrageous civil rights abuses, the law is structured in such a way that the courts do not provide redress to Native people. Case law seems to have established that tribal officers cannot be sued under civil rights statutes because they enjoy something called sovereign immunity. In recent years, the courts have also given such narrow interpretations to the Indian Civil Rights Act of 1968 that it applies only in cases where someone has been arrested and detained by "tribal" authorities. In all other cases, Native people have no rights against the actions of tribal governments which were, in most cases, conceived by acts of Congress or some onther non–Native authority.

It seemed likely that the civil rights case brought by the Concerned Enrolled Members would meet the same fate. Whether or not they had an argument that their rights had been abused would never be heard in court because the courts would probably rule that the Trustees enjoy immunity from prosecution. Enrolled or not, Mohawk people have no rights in the U.S. courts.

The state's strategy of enforcing its laws to maintain a compliant government at Akwesasne which would result in an "acceptable" land claim settlement continued to move forward. It was May 19 when the Franklin County Legislature met with state officials to discuss 14 new people to man the Akwesasne Police force, "thus giving the Akwesasne police the muscle it would need to enforce state laws," according to an article in the *Watertown Daily Times*. Paul Maroun did all the talking to the press about the meeting. Ward Dewitt and Norma Bartie represented the governor at the meeting, along with a state police attorney. Maroun managed to get in a comment to the effect that he was doubtful that the Mohawks would follow the "leadership" of Indian deputies. The following week an announcement appeared in the local press that the 14 deputies had been hired. At the present time, Akwesasne probably has the highest per capita police concentration in the United States.

The specifics of the Mohawk land claim which cite violation of the 1790 Non–Intercourse Act have never been explained in the press in Franklin County. The *Malone Evening Telegram* carried an article which stated that the claims involve title to 4700 pracels of land in the area, but didn't give any explanation of where that land might be.

A proposed land claim settlement which was announced this Spring would grant to the "St. Regis Tribe" about 10,000 acres of land located on state forest preserve in the Town of Brasher in St. Lawrence county, and possibly some land (perhaps a connecting corridor which would have to be purchased) in the Town of Bombay, Franklin County. These are not lands included in the claim but proposed lands in exchange for settlement of the claim. The settlement was reported to include a "grant" of about $7.5 million, of which about $2 million would be used to buy lands from property owners in the Bombay–Ft. Covington area.

The main concern of the local people centered on the possible loss of tax dollars. Somebody told them that the deal would cost the towns $80,000 per year in revenues. Understandably some felt that the state should bear some of these expenses.

In the meantime, the state seems to have hitched its star to a two–hundred year old Indian land strategy, and can't seem to let go. Most of the same elements are present in their current dealing with the Mohawks as were present when the major land swindles went down: refusal to deal with the traditional government, refusal to recognize the Haudenosaunee interests in the lands, a determination to use coercion and force to eliminate all opposition to their actions. The major differences between 1980 and 1786 or 1802 is that today they have the full cooperation of the federal agencies, and they have a much larger audience watching the show – the U.N. Human Rights Commission, the European Parliament, and the Russell Tribunal, to name a few. Amnesty International, the Nobel prize winning international human rights organization has agreed to send an observer to the political trials tentatively scheduled to open on July 21, 1980 in Malone.

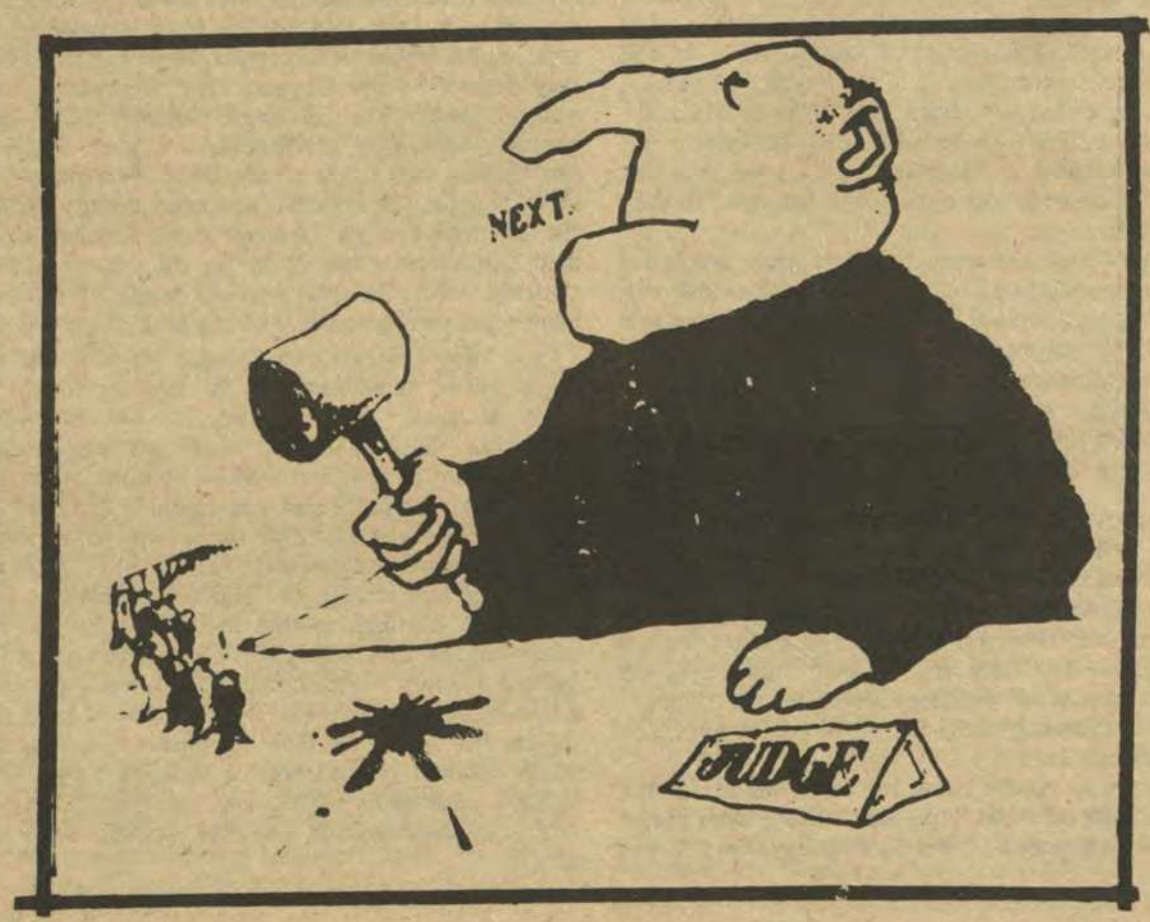
The struggle for the right of self–determination at Akwesasne is among the most significant events this century in the effort of Native people to control their own lives. It ranks along side such events as the occupation of Alcatraz, the occupation of the BIA building, and Wounded Knee 1973. It deserves a lot more attention in the press and national support than it has received. Because it has entered the international arena, and because it represents a community awakening to the nature of oppression in a way which hasn't happened for a long time, and because the stakes are very high, what happens at Akwesasne could affect Native people all over this continent.

LETTERS OF SUPPORT FOR THE MOHAWK NATION SHOULD BE ADDRESSED TO:

Hon. Hugh Carey
Governor of New York
Executive Chambers
Albany, NY 12224

D.A. Joseph Ryan
63 W. Main St.
Malone, N.Y. 12953

President Jimmy Carter
1600 Pennsylvania Ave.
The White House
Washington, D.C. 20500



Mohawk Nation Brief To The Court

(The following has been excerpted from a brief prepared by the Indian Law Resource Center. –Ed.)

From the time of its earliest relations with the Six Nations Confederacy at the close of the Revolutionary War, the State of New York has consistently disregarded the sovereign and territorial rights of the Confederacy. It is not surprising, therefore, that the State has interpreted 25 U.S.C. 232 as giving New York blanket criminal jurisdiction over Indian territories despite the intention of Congress. The historical record demonstrates that neither United States treaties with the Six Nations, the United States Constitution, nor Acts of Congress have dissuaded the State from pursuing a policy of domination and destruction toward the Iroquois nations. Indeed New York's conduct clearly illustrates the observation of Justice Miller in *United States v. Kagama,* that "the people of the States where they (Indian nations) are found are often their deadliest enemies."

In the early 1780's, New York was having difficulty raising an army for the western frontier. In 1781 and 1782 the State was authorized to promise a bounty of western lands to each recruit. Also in 1782, legislation was passed establishing a detailed and definite boundary for the "military tract" in the territories of the Onondaga and Cayuga Nations.

On March 17, 1783, the New York Assembly adopted a series of "Instructions to the Commissioners" that were to be established. According to the instructions, the principal object of the Commission was "to accomplish an exchange of the district claimed by the Oneidas and Tuscaroras for a district of vacant and unappropriated lands within this state." The Commissioners were to go about this task "with caution and reserve so as not to alarm the Oneidas and Tuscaroras with Apprehension that there is the most remote intention to deprive them of the district belonging to them." Instead the Indians were to be assured that "this State will suffer no encroachments to be within their limits nor any settlement thereon without their free consent." Many of the Oneidas and Tuscaroras had fought with the United Colonies in the Revolution and were quite apparently to be slyly dispossessed of their lands by the State as a reward.

If no exchange could be made, the Assembly directed the commissioners to attempt to buy land from the Oneidas and Tuscaroras. Apparently, it was the intention of New York State to expel the Senecas, Cayugas, Mohawks, and Onondagas from New York, and to settle the Oneidas and Tuscaroras on Seneca lands to the west.

Despite the fact that regulation of Indian affairs was delegated to Congress under Article IX of the Articles of Confederation and that the western boundary of the Colony of New York had been settled by the 1768 Treaty of Fort Stanwix, New York embarked on a policy to circumvent federal authority and deal separately with the Six Nations for the acquisition of lands.

In 1784, James Duane, who was a member of the New York delegation to Congress, communicated a strategem to Governor Clinton that would evade the Articles of Confederation and permit the State to treat with the Six Nations:

Great difficulty arises from the Interference of the proposed Treaty with the Authority and Views of Congress.

Five of the six tribes of Indians were at open war with the United States. The general Treaty of Peace doth not mention or extend to them. Congress therefore, on the 9th Art. of the Confederation, claims the exclusive Right to make this Peace, and if the Tribes are to be considered as INDEPENDENT NATIONS, detached from the State, and absolutely unconnected with it, the Claim of Congress would be incontrovertable. There is then an indispensable Necessity that these Tribes should be treated AS ANCIENT DEPENDENTS ON THIS STATE, placed under its protection, with all their territorial Rights, by their own Consent publicly manifested in solemn and repeated Treaties (of this there is sufficient Evidence,) and particularly by the Deeds of 1701 and 1726, which, tho' in the Name of the King, were obtained at the Expense of the People of the State and for their benefit. On this Ground the Tribes in question may fall under the Character of MEMBERS OF THE STATE with the management of whom Congress have no concern.

To model the Six Nations into a role of dependency, Duane felt that "the Stile as well as the Substance of the Communication (with the Indians) on the Part of the Government are very material." He told Clinton that the Six Nations should be forced to abandon the traditional Indian style of diplomacy. The practice of exchanging strings of wampum during treaty negotiations should be discontinued, and the word "nation" should never be used to refer to Indian tribes. Duane goes on to say, "I would carry on the Intercourse (for I object even against the term Treaty, which seems to imply Equality) with as much Plainess and Simplicity as Possible, and as if I was actually transacting Business with Citizens."

On April 12, 1784, Governor Clinton sent a message to Mohawks, Onondagas, Cayugas, and Senecas inviting them to treaty of peace with the State. This effort was thwarted when the Six Nations announced that they intended to treat with the Commissioners sent by the Congress. New York, however, continued with attempts to disrupt the United States treaty.

The State's desire to acquire the lands of the Six Nations for military bounties was undiminished by its failure at Fort Stanwix. These lands remained in the possession of the Confederacy and were recognized and protected by the 1784 Stanwix Treaty. Increasing pressure from the veterans, however, resulted in enactment of Ch. 63 of the laws of 1786 which authorized the granting of bounty lands in the northern territory of the Mohawk Nation that became known as the "Old Military Tract".

New York immediately disregarded the Treaty of Fort Stanwix and in 1785 treated with a group of Oneidas for a huge cession of lands. It became the State's strategy to ignore the Six Nations Confederacy and to treat with local Indian communities that were susceptible to fraud, coercion, and bribery. These transactions, although violations of the Confederacy laws were given the color of law by New York and the lands were subsequently annexed by the State.

In 1788, New York once again attempted to acquire lands for the "military tract." Although Governor Clinton was clearly informed that the Six Nations would not treat with him at that time, the Commissioner proceeded to treat with individuals of the Oneida and Onondaga Nations for a cession of thousands of square miles of Confederacy lands. The State was aided in this regard by a fraudulent 999 year lease for all of the Six Nations lands "negotiated" by a group denominating themselves "the New York Genesee Company of Adventurers". The "Lessee Co.", as it was also known, was made up of a group of wealthy land speculators, many of whom were members of the New York legislature and who sought to create a new state for themselves out of the territories of the Confederacy. The Lessee Co. was aided by a Col. Louis Cook, a man of mixed ancestry, with a black father and an Abenaki mother, who was later to figure prominently in the history of Akwesasne.

The "lease" was in clear violation of Article 37 of the 1777 New York Constitution and was repudiated by the legislature prior to the State's treaty council. The State, however, informed the Oneidas and Onondagas that New York would protect them from total dispossession under the lease if they would but cede the bulk of their lands to the State. These spurious treaties were themselves repudiated by the Six Nations, but the lands were nevertheless annexed by the state.

In 1789, with the adoption of the United States Constitution, whatever ambiguities that previously existed concerning authority over Indian affairs were resolved. Article I, section 8, the Commerce Clause, and Article I section 10 which forbid the states from entering into treaties, placed responsibility for the conduct of Indian affairs exclusively with the federal government.

One of the first pieces of legislation enacted by the First Congress was the Non–Intercourse Act of 1790. The Act declared:

That no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of preemption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

The purpose of the Act was to implement the treaty obligations of the United States toward the Six Nations and others to protect Indian lands. The conflict over land transactions was the cause of considerable frontier warfare in this period. Peaceful relations with the Six Nations had a high priority with the United States in the 1790's. In 1791, Timothy Pickering was sent to Newtown Point by President Washington to explain the Non–Intercourse Act to the Six Nations. Governor Clinton of New York upon learning of the proposed Newtown Council, wrote to the Secretary of War on April 27, 1791 urging him not to meet with the Six Nations Confederacy, but rather to encourage their disunity. The United States disregarded this advice and continued to treat with the Confederacy, culminating in the Treaty of Canandaigua of 1794.

New York, however, ignored Article I, section 10 of the United States Constitution and the newly enacted Non–Intercourse Act and proceeded to treat with Indian communities for the lands of the Six Nations that had survived the annexation of 1788–1789. In 1793, a "treaty" was held with Onondaga individuals for a cession of lands.

In 1794, a few months before the Canandaigua Treaty, the New York legislature passed a curious law appointing the Governor and six others "trustees for the Indians residing within the state" and granting them full power to make agreements with the Oneidas, Onondagas, and Cayugas "respecting the lands reserved for their use of claimed by them." The nature of this trust was revealed in the next year when the state gained cessions from the Oneidas, Onondagas, and Cayugas despite the opposition of Commissioner Pickering and the guarantees of the Canandaigua Treaty. New York continued to defy the law of the land with impunity. Even during the period of the Canandaigua Treaty, New York was ignoring and denying the existence of the Six Nations Confederacy in order to effectuate an unlawful transfer of Indian lands.

The 1795 purchases were firmly opposed by the United States. Timothy Pickering, who was now Secretary of War immediately moved to block the treaty. First Pickering wrote to United States Attorney General William Bradford for an opinion on whether or not New York had the power to purchase Indian land without the intervention of the United States government. The Attorney General in an opinion on June 16, 1795, clearly established that it could not. Pickering instructed Israel Chapin, the United States Agent, to tell the Indians that the New York treaty would be improper and unsafe, but unfortunately the letter arrived too late for Chapin to intervene.

For the next forty years, the State of New York continued to unlawfully treat with Indian communities for the sale of lands in violation of the Non–Intercourse Act, 25 U.S.C. 177, the Constitution, and the Fort Stanwix and Canandaigua Treaties. These cessions included several with the Mohawks of Akwesasne, or St. Regis, for the alienation of lands first reserved in the Treaty of 1796. Portions of Akwesasne were alienated to the state in 1816, 1818 and four transactions in 1824, and 1825. These cessions were conducted on behalf of the people of Akwesasne by "trustees" appointed by the

> **IT IS IMPORTANT TO NOTE THAT THE MOHAWK PEOPLE WERE NEVER PERMITTED TO CHOOSE THIS FORM OF GOVERNMENT; IT WAS IMPOSED BY STATE LAW TO SUPPLANT THE EXISTING TRADITIONAL GOVERNMENT OF THE NATION. THE ELECTIVE SYSTEM HAD ITS ORIGIN IN THE PRACTICE OF THE STATE TO APPOINT THREE "TRUSTEES" AT AKWESASNE WHICH BEGAN IN 1802. . .**

state. Act of March 26, 1802, Act of April 3, 1818. Similar transactions have formed the basis for the well–known Indian land claims in the eastern states. As a result of these fraudulent and unlawful "treaties", the vast bulk of the territories of the Six Nations were annexed by the state, leaving only a few small reservations. The Six Nations Confederacy never consented to any of these transactions, but no longer retained the military ability to prevent the state from stealing the lands.

Throughout the nineteenth century, New York continued to intervene in the internal affairs of the Six Nations by appointing agents, and later attorneys, to manage the affairs of the reservations. An example of this legislation is the provision for the appointment of attorney for the "St. Regis Tribe" in Article 8 of the Indian law 100,101 that continued in force until 1956. The actions of these agents were a major complaint of the Six Nations in a memorial to the Congress in 1930.

In the 1880's there was a movement in the state legislature to allot Indian lands in severalty and to break up the tribal relationship. In 1886, the Ogden Land Company, who through a series of peculiar transactions had acquired the pre–emption right to the Seneca lands, attempted to push an allotment bill through the legislature. The Ogden claim was subject to the right of the Indians to live on the land as a tribe, and individual allotment would have given the company a colorable claim to the immediate possession of the lands.

In 1888, the state asembly appointed a committee to study the "Indian problem" of the state with a view toward the forced allotment of lands in severalty and the destruction of the Indian nations. The *Whipple Report* communicated its findings to the Assembly the following year. The recommendations of the committee were quite revealing:

If the State or nation must support and protect the Indians, it should also have control over them. If they still remain "wards", their guardian ought to know what is for their welfare and supply it. Their rights should be protected and preserved with the most exact justice. But whenever any conditions of existing treaties stand in the way of their welfare and progress, such conditions should be set aside; neither should the State or nation be longer embarrassed by the refusal of the Indians to receive what is for his own good. Plainly and bluntly, his consent to any measures manifestly and clearly tending to benefit and improve him should no longer be asked. No harm can come from this course, because if past history is any guide. . . there is little danger that the State of New York will do any injustice to its Indians.

The report did not result in legislation; however, the state had previously forced the allotment of Oneida lands in 1843 and in 1873 purported to authorize individual Indians to sell timber growing on certain reservations. The traditional governments came under particular criticism by the committee as impediments to civilization, and it is quite clear that allotment was viewed as a method to destroy the tribal entity.

The *Whipple Report* was patently racist, but is enlightening as to the official attitudes in New York during this period toward the native nations. It provides a vivid context for the subsequent efforts by the state to destroy the traditional governments of the Six Nations and to replace them with systems more amenable to state control. Nowhere is this effort more evident than in the Mohawk territory of Akwesasne, or St. Regis. The actions by New York to establish, impose, and maintain an alien form of government in the Six Nations territories is manifestly unconstitutional, as will be discussed below, and violates the right of the Mohawk Nation to self–government as recognized in the treaties of Fort Stanwix and Canandaigua.

In the laws of 1889, Ch. 554, the state legislature purported to forbid Akwesasne Mohawks residing the area of Akwesasne claimed by Canada from trespassing or settling on the "American" side. The trespass was defined as a misdemeanor with a possible fine of twenty five dollars (a considerable sum at Akwesasne at that time) or a jail term until the fine was paid. Under this law, the only way that a "Canadian" Mohawk could legally be on the "American" side was with the approval of "a majority of the tribe of said St. Regis Indians residing in said State of New York, upon a vote, said vote to be taken in the ordinary way in which elections are had by said tribe."

The apparent design of the law was to isolate Akwesasne into two communities, and to compel the Mohawk people into an electoral process in order to validate the presence of one of their brethren in the Mohawk Territory. The traditional government of Akwesasne has never recognized the border in their territory and the Chiefs and Clan Mothers were selected according to the clan affiliations and the traditions of the people, not by geography. This law, then, was intended to divide the people and to accommodate them to an elective form of government.

In 1892, the state legislature imposed a mandatory elective form of government at Akwesasne, or St. Regis. N.Y. Indian Law. The act provided for a government of three chiefs, in council, to be elected by a plurality of votes cast by qualified voters of the tribe and for a clerk to be similarly elected. Each office holder has a term of three years. Interestingly, the state law also defined which Mohawks were qualified to vote. Only those who are on the state's annuity list to receive the yearly annuity payments were permitted to vote.

The powers of the council were strictly defined to permit the passing of ordinances "not inconsistent with law, for the protection and improvement of the common land of the nation, for the regulation of fences and for the prevention of trespasses by cattle and other domestic animals. . ." The council could also allot unallotted lands, consent to the cutting of timber, hear cases of trespass and determine property titles.

It is important to note that the Mohawk people were never permitted to choose this form of government; it was imposed by state law to supplant the existing traditional government of the Nation.

The elective system had its origin in the practice of the state to appoint three "trustees" at Akwesasne which

BRIEF CONTINUED PAGE 35

NATIVE NATIONS SUBMIT COMPLAINTS TO U. N. COMMISSION

On March 1, 1980 a delegation of Traditional North American Native peoples journeyed to Geneva Switzerland to address the U.N. Human Rights Commission and to submit three complaints alleging human rights violations by the United States. The delegation was composed of representatives from the Haudenosaunee and the Lakota Treaty Council accompanied by two Indian Law Resource Center attorneys who were representing those nations as well as the Hopi Nation, the Traditional Seminole People of Florida, and the Western Shoshone People.

The Indian Law Resource Center had been approached by these Native nations to prepare the complaints. The complaints include a complaint of the Mohawk Nation, a member state of the Haudenosaunee, that actions of the U.S. and New York State which resulted in criminal indictments against several Traditional Chiefs of the Mohawk Nation and other Mohawk nationals constituted acts in violation of the Mohawk Nation's right of self–determination under various international treaties, provisions of the U.N. Charter, and International Law.

The second complaint alleged U.S. violations of the land rights of these nations, particularly through a doctrine of law most clearly articulated in the Supreme Court case *Tee Hit Ton v. U.S.*. That case basically states that the U.S. may sieze certain categories of Indian land (applying to about three–fourths of all Indian land) without any legal process and without any form of compensation. The complaint further states that this seizure is not reviewable by the courts and is an extremely racist doctrine of law. It has been used by the United States as a threat over the land claims process and has most recently been used to justify taking of Indian land through the Indian Claims Commission process. It is a pervasive weapon which the U.S. can use against any Indian nation to force compliance with U.S. government policy. The particular relationship of Native nations to land and the necessity of a land base to enable these peoples to continue to exist as distinct people is so important that any threat to that land essentially brings Indian people to their knees. It is a racist doctrine of law because the property of no other group or individuals within the United States is affected by any such doctrine of law. Specific legal safeguards protect all other peoples and persons against the arbitrary taking of land and require that the U.S. government must meet certain minimum standards such as giving proof of the necessity of public use before the land can be taken.

In the case of Indian land, the complaint charges, the land can be seized by the government at any time for any purpose. There are no safeguards regarding these categories of Indian land.

The third complaint speaks directly to the problems of the Hopi Nation. It involves the denial by the United States of the Hopi right of Self–determination through the forced establishment of an "elective" form of government under the Indian Reorganization Act in the Hopi Territory and the extinguishment of Hopi land through the Indian Claims Commission process.

The Human Rights Commission will now review the complaints and determine whether or not they will be brought up for study and eventually discussion in the Commission's meeting next Winter. First, however, the matter will be brought to the U.N. Sub–Commission on the Prevention of Discrimination and the Protection of Minorities meeting this August in Geneva.

The United Nations complaints are important because they mark a kind of milestone in Native affairs. For the first time since the formation of the U.N., Native people are making an appearance and taking part in the official business of the world community. These complaints are believed to be the first instance of formal complaints of U.S. violations of human rights to be submitted to a body outside of the United States.

The action is important because it offers an opportunity to Native people to bring complaints of extraordinary abuses of basic human rights to a neutral forum. There are no domestic remedies to the abuses of Native peoples and their rights under U.S. law. The appearance of Native nations as *nations* in the world arena may mark the beginning of a new era in U.S. – Native Affairs.

And Now: Nuclear Wastes Threaten Akwesasne *(and a lot of other places.)*

From the bridge which crosses the St. Lawrence River at Akwesasne, you can see the Alcoa and Reynolds Aluminum Company plants which daily spew fluoride fly ash into the air. Upriver, you will find the St. Lawrence Seaway offices and the Robert E. Moses Dam and Hydroelectric plant.

On the other side of the river stands the Cornwall paper mill which pours forth sulfur dioxide gases into the air and mercury pollutants into the St. Lawrence. From the same bridge you will also see the International Seaway traffic as huge saltwater cargo ships pass enroute to ports in the Great Lakes. And if you look real hard, you can also see the grounds of the Mohawk encampment where people have been resisting New York's efforts to extend jurisdiction over the Mohawk country for almost a year.

What you can't see are the PCBs, PBBs, mercury, dioxins and other poisons in the water and the fluoride fly ash on the land. But if you live with the Mohawk people, you can see its effects: children at age eight with discolored teeth showing abnormal signs of decay, children with recurrent sores, stomach disorders, softened bones, respiratroy ailments and, increasingly, early signs of nerve disorders. The west end of the Akwesasne Territory has advanced well into the Twentieth Century in terms of its chemical environment.

The social environment – specifically the economy of the Mohawk people – has been a victim of this process. The Seaway Locks block the spawning cycle of the migratory fishes. Paper mills and other industrial pollutors on the Great Lakes and its tributaries have contributed enough mercury to the waters of the St. Lawrence that the fishing industry which once supplied the people with subsistence and a meager cash economy is gone today. Dioxins, among the most powerful poisons known to man, have migrated to these waters from the Love Canal area near Niagara Falls, and for the most part only sportsfishermen take fish from the river now.

The people who raise dairy cattle, the mainstay of the cash economy in this region fifty years ago, face a serious enemy in the fluoride-bearing fly ash which has proven to destroy the teeth of the cows. .

This month, May 1980 we are seeing the possibility of yet another threat which is even more frightening. This threat is the proposed shipment of high-level radioactive wastes from the Chalk River Research Plant in Ontario, Canada, to the reprocessing plant at Savannah River, South Carolina. Shipments of this material would pass over the bridges through the Akwesasne Territory, then through New York State and on to its destination.

Up to this time, there have been very few shipments of high–level radioactive wastes anywhere in North America. High–level wastes consist of spent fuel rods and plates which are "thousands of times more radioactive" than fresh fuel (!)" according to a report by the New York Public Interest Research Group, Inc. (NYPIRG) entitled "Hot Highways, A Report on the Lack of Preparation for a Radiation Transport Accident in Central New York."

DANGERS OF EXPOSURE TO RADIATION

Human beings are exposed to radiation at each stage of the nuclear fuel cycle (see chart on the nuclear fuel cycle in the Garritty article "Welcome to America, Caution: Radioactivity Will Injure Your Health" in this issue). The nuclear fuel cycle releases harmful radiation from the beginning of the cycle (mining) to the end of the cycle (waste storage). Exposure to radiation can cause radiation sickness which can be fatal – such as at Hiroshima. Radiation can take a longer period of time, up to twenty years in the cases of many Navajo miners, before it kills. Exposure to radiation can cause lung cancer, blood cancer, bone cancer, leukemia, genetic damage, spontaneous miscarriages, deformed children, premature aging, respiratory disease, thyroid tumors and multiple sclerosis. It can attack the body's natural immunity system and render its victim more susceptible to other diseases.

EACH PHASE OF THE NUCLEAR FUEL CYCLE INVOLVES SHIPMENTS OF RADIOACTIVE MATERIALS

The Nuclear Information Resource Service of Washington, D.C. in its report (NIRS Transportation Packet, p. l) describes the shipment of radioactive materials during the nuclear fuel cycle as follows:

"First the uranium ore is mined and milled at sites in the West and Southwest. The milled uranium (yellowcake) is then transported to enrichment plants in Kentucky, Tennessee and Ohio.

"(Second) The enriched uranium is shipped to fuel fabrication facilities, most of which are located in the East.

"(Third) From the fuel fabrication plants, the "fresh fuel" is sent to nuclear power plants all around the country. Each reactor requires about six truckloads of fresh fuel per year.

"After the fuel has been irradiated in the reactor, it becomes many thousands of times as radioactive as fresh fuel. 'Spent fuel' is lethal in exceedingly minute amounts, and remains radioactive for hundreds of years.

"(Fourth) In theory, the next stage in the fuel cycle is the transport of the spent fuel to a reprocessing plant, where the uranium and plutonium are recovered to be recycled into fresh fuel. However, there currently are no commercial reprocessing facilities in the United States....(There are) government–owned reprocessing plants, located in Idaho, South Carolina, and Washington state."

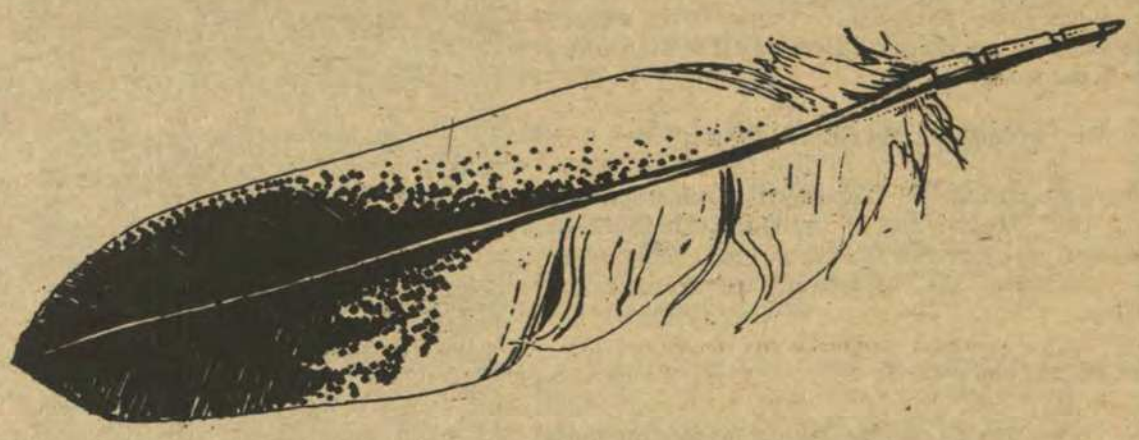
Nuclear reactors each produce about forty truckloads of spent fuel per year. The major problem with these highly radioactive wastes is that since there is no permanent nuclear waste storage repository anywhere, these wastes are presently being stored at the nuclear reactor site. These "storage pools" at the reactor sites quickly become filled to capacity. Therefore, beginning this Spring, we are seeing the beginning of the transportation of high level radioactive nuclear wastes to other storage pools and to Morris Illinois for temporary storage. And, among other places, to Savannah River, South Carolina, for government reprocessing. The NRC (Nuclear Regulatory Commission) has predicted that there will be more that 1500 spent fuel shipments per year by 1985.

NUCLEAR SHIPMENTS

An article which appeared in *People and Energy*, ("Nuclear Shipments: Leave the Driving to Us?" Sept/Oct. 1978) carried the information that the shipments of nuclear substances being transported today begin with both private and governmental nuclear programs and can be defined as follows:

1) Radiopharmaceuticals: for medical use; usually shipped in small amounts; radioactivity varies; these

NUKES CON'T ON PAGE 14



TO: SEAWAY INTERNATIONAL BRIDGE BOARD
FROM: COUNCIL OF CHIEFS OF THE MOHAWK NATION
RE: SHIPMENTS OF NUCLEAR MATERIALS THROUGH THE TERRITORY OF THE MOHAWK NATION DATE: MAY 11, 1980

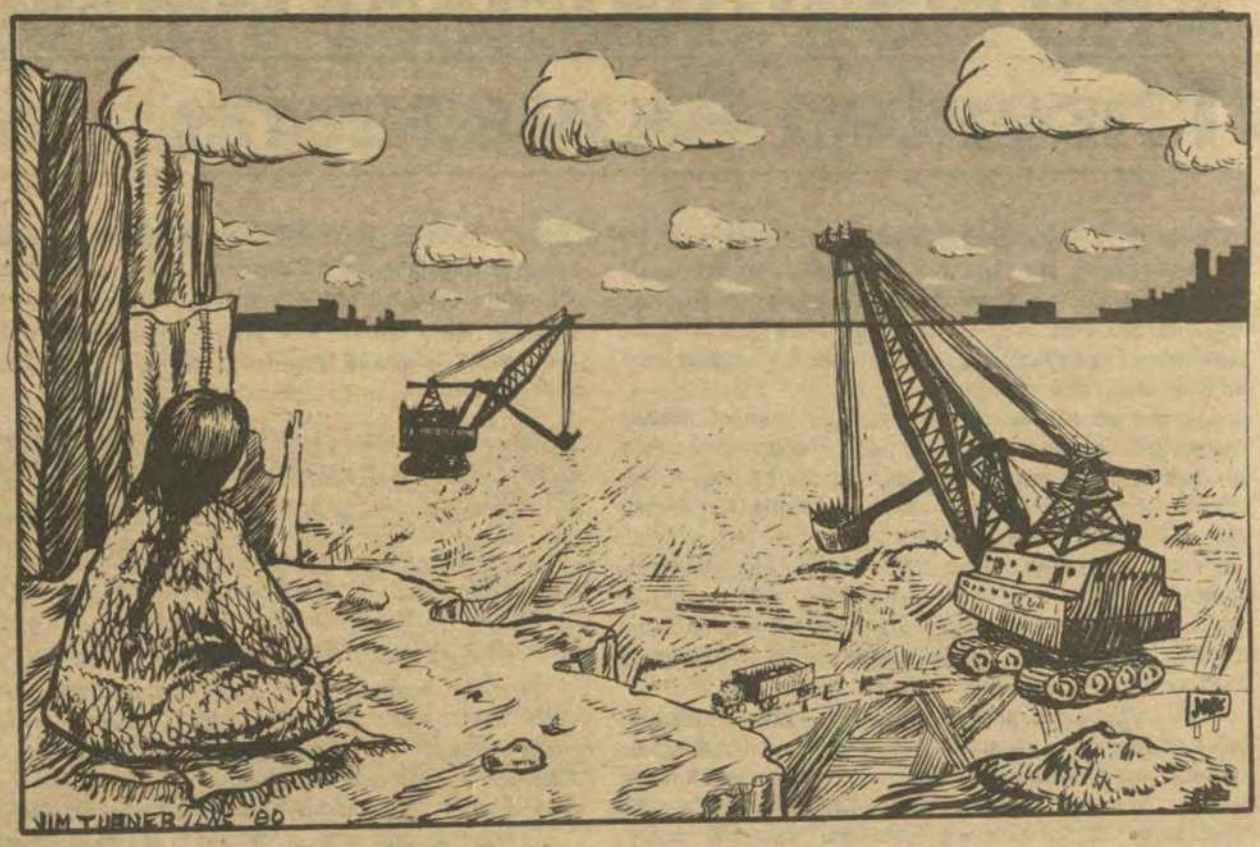
This memorandum has been issued under the authority of the Mohawk Council of Chiefs at Akwesasne, and is being delivered to inform the members of the Seaway International Bridge Board that we WILL NOT tolerate the passage of nuclear materials, waste or otherwise, through any part of our territory.

The pollution levels affecting our people's lives are at an already untolerable state, and the presence of nuclear materials will contribute further to the demise of our lands, waters, air, animals and people.

We wish for you to have it perfectly clear in your mind, that we WILL NOT allow the passage of any such materials to occur, and, we are prepared to take whatever action is necessary to prevent passage.

"Every Day Is Genocide For Us."

Editors' note: Probably the region of North America most directly impacted by the United States' National Energy Plan is the Southwest. Uranium mining and milling and the stripmining utilized in the new thrust for coal development threaten to turn the land base of many Native Peoples in that region into a virtual desert–waterless, contaminated by radioactivity, and stripmined to the point that the land will be uninhabitable. As is to be expected, the Native Peoples and other local residents are responding to this pervasive threat to their continued existance. We will be seeing many more instances of resistance from that part of the country in the coming years. We expect it will be the focus point, hemispherically, of opposition to the insane assessment of the future now being entertained by the U.S. national energy policy–makers. As such, it deserves all the attention and all the support of right,thinking people everywhere. The following is an interview with Norman Brown, a young Dine (Navajo) activist. Norman was recently in Washington, D.C. for the April 26th March for a Non-nuclear World. He was there as a representative spokesman for the traditional elders of the Dine Nation in struggle.



AKWESASNE NOTES: Norman, we hear the struggle is intensifying in Navajo Country...NORMAN BROWN: The feeling down there on the Navajo Reservation is very tense; it is very hateful of the energy corporations and it is very hateful of certain individuals on the Navajo Tribal council. To see the destruction caused by uranium, the processing plants and the mills and the mines is to understand what the old people say, that the lifestyle of the Navajos, the good way--raising sheep and raising lifestock and living in harmony with the Earth–that the plan is to destroy all that. The energy corporations don't respect this and they don't respect the feelings of the old people. So we, the young people on the reservation now – Burnham, that's the result of the old people and the young people working together. We're keeping hand in hand, very close to the traditional elders and unity is very strong. We only see one enemy, and that enemy is the national energy policy, the national energy plan. We see the national energy plan and its wake of devastation as a threat to our well-being, as a threat to my generation, as a threat to the wingeds, as a threat to the animals, different kind of animals that live in our territories.

AN: What's going on at Burnham?

NB: Consolidation Coal Company has been stripmining on a field. They've dug up old graves. The Burnham residents got angry and decided to stop it. They set up an occupation site overlooking the Consolidation project.

AN: What's behind it?

NB: It has been a long fight, the way everything works down here. In the area around Burnham over one thousand Navajos are scheduled for relocation. The company has a mammoth coal gasification thing going on. The people are against it, but Peter McDonald (Navajo) Tribal Chairman) was to ram it through. You know, the so–called Indian contribution to the national energy policy.

AN: How big?

NB: It is being backed fully by C.E.R.T. (Council of Energy Resource Tribes). A 4 billion dollar syn-fuels plant.

AN: What's the police activity at Burnham?

NB: They're around. At one point they had almost as many cars as we had people, but now we outnumber them. We could really use some CB's or other forms of radio communications. There is only one phone and the tribal police keep trying to cut it off.

AN: Wasn't there something that happened in that community before–a fight against the leases?

NB: Yeah. August 24, 1976. The community at Burnham confronted the Tribal Council. About 75 people occupied the Navajo Tribal Council headquarters. It was an unsuccesful attempt to council members who were in the process of renegotiating the lease. The next day 18 Navajos were arrested by Navajo police and charged with unlawful assembly. All of the 18 defendants were later cleared of the charges.

AN: So the tribal council went ahead with the leases anyway?

NB: The majority of the leases we don't find out about until after the lease has been signed. Its like under the table. The companies go directly to the Council first because this is tribal land and the companies find it more efficient to deal with and recognize the tribal government. They get the lease from them. But, you see, we have over 102 separate chapters on the reservation. Each of these chapters has a boundary. Each chapter is sovereign to a certain extent, and,of course, on a smaller scale, so they are more in touch with the grass-roots people. Right now what is happening is that the Burnham Chapter House is challenging the Tribal Council's right to sell them out, pushing to establish local sovereignty... the sovereignty being deciding for their own community, deciding what kind of development, what kind of equiptment can be used there. The companies say, 'Well, Peter McDonnald was chosen by majority vote, so we recognize him.' But what they don't understand is the majority of the People didn't vote.

AN: So the tribal council doesn't represent the People?

NB: There are a lot of councilmen who care and who are doing good things for the people. And then again, you got some people, the majority of the councilmen who don't really understand or don't want to understand the feelings of the old people. In our language, when you interpret this word--its like psychological rape--and that's what we are accusing the Council and the corporations of doing. Genocide. The Navajo People on these impact areas of the reservation charged Kerr-McGee, Exxon, Gulf, Anaconda, TVA, Mobil, United Nuclear--they charged these energy corporations with genocide because the water tables have been exhausted in many places and radiation dust is blowing in the wind for miles, hundreds of miles. Radiation is very high on the Navajo Country compared to other places in North America.

AN: What other places are affected down there?

NB: We have different trouble areas. One of the areas we are talking about is Dalton Pass, another is Shiprock. There are about six different other traditional communities across the reservation that are affected by the National Energy Policy. There are the Redrock Chapter, Montezuma Creek Canyon area chapters, Big Mountain – Dene traditional communities being destroyed by uranium mining and milling, coal gasification plants, stripmining. One of the immediate concerns of the people is that most of the land being destroyed by these major energy corporations they got through illegal leases. One such lease is in Burnham. This involves 40,000 acres. The major corporations involved are Consolidation Coal Company and El Paso. Consolidation is ConPaso, so its really Consolidated El Paso. The traditional people of Burnham invited the American Indian Movement (AIM) and different people and concerned Dine from other parts of the Nation and that's who is occupying the site. This site involves the drag line for trailers and different equiptment such as bulldozers, tractors and other earth-moving vehicles. There's about 26 demands that the traditional people have drawn up to give to the Tribal Council and to the two major corporations involved.

One of the most important, the primary concern of the traditional people in Burnham is the disturbance of five gravesites by earth-moving activities that ConPaso has done. They are very concerned about the five gravesites.

Another concern is that the company has misled the people with false information and given them a line, convincing them to sign a lease, people who would not have signed if they had been told the truth.

Across the reservation there are five active uranium piles. There's 33 underground mines near and on the reservation. There is 51 million tons of radioactive wastes on 1,000 acres of Navajo land. That's the estimate of the Navajo Tribe's Environmental Protection Committee. There are 5 coal gasification plants near the reservation and there are 3 stripmining operations right on the reservation. The traditional people of these areas--there are plants that grow near these areas that they use for medicinal purposes. They have to go long distances now to get these plants. Because of the coal stripmines and the coal gasification plants, these herbs don't grow anymore. They can't breathe the dirty air.

Billions of water gallons are being pumped out of the reservation daily to the underground uranium mining and the coal stripmining. The coal that is stripped from

NAVAJO CONTINUED NEXT PAGE

the reservation goes to five gasification plants and they light up the cities of Los Angeles, Las Vegas, Tucson. Phoenix, Salt Lake City. 85% of the reservation does not have or use electricity. We know where the tribal council stands on these things. There's a hundred miners there who mined the uranium in the 1950's. Today their families are father-less. 27 of those 100 miners have died of radiation-induced cancers. Their families have gone to the Atomic Energy Commission, the Bureau of Indian Affairs, Kerr-McGee and the Workman's Compensation structure to get compensation for their husbands, their fathers. But they have all denied responsibility for the deaths. The companies never told the miners of the dangers of radioactivity. So, we are going our own way. There is a growing feeling among the young people on the reservation that is the same as the feeling of the elders. So there is a unified voice being organized down there, communicating with the traditional people at a grass–roots level. This is happening now on the reservation.

AN: Norman, what message would you give to other Indian Peoples who find themselves now with uranium and coal resources on their land--in the Black Hills, in Canada–what message would you give them now that your people have already suffered 25–30 years from exposure to that kind of development?

NB: To keep on with the language, keep on following, listening to your elders, listen to the old medicine people. Because we didn't listen to those people, the medicine people, when Kerr-McGee was exploring on the Navajo Reservation, we didn't listen to the old people in 1963 when the lease between the Council and Peabody Coal was signed, and we didn't listen to the old people when they found uranium and the leases were signed. So that's one of the messages that needs to be heard throughout the United States.

AN: That's refreshing and we could say, unusual advise from a young activist these days...

NB: Listening to the old people and listening to the natural laws that we have is to get a better understanding among young and old--one unified fight.

Back home–we are thousands back home. My reservation, there are over 165,000 Navajos. And one half of those people are young people, 25 and under. We are taking our directions from the old people and we're carrying out their ideas and carrying out the plans they have had for hundreds and hundreds of years, that plan being surviving and carrying on the language and respecting the earth, and most important of all, protecting our Mother Earth and keeping these resources–they tell us that these forces were put here by the Holy Being and we are not supposed to rape our Mother. That being a message from the whole, right?

Myself, I work with these old people about two years now, and I've seen from where we started the progress we've made among the people and always the only way it worked right was when we took the advice of the older people, when we got our knowledge from them. There are thousands of young people, some even from the colleges and universities. Just in one group there are 25 young people working, a core group of people now organizing and working very close with the Pueblos and Hopis, with Chicanos and with the Anglo people. So the people are organizing and among the traditionals they understand each others' problems–the biggest problem being the national energy policy and its agencies and its offices all across the tribes of the Southwest, the Grant's Mineral Belt and the different impact areas across the Southwest. This is a threat to the coming generations, a threat to the language, a threat to the lifestyle and a threat to the traditional ways that we have.

AN: How do the young people organize?

NB: We go around and present information on the effects of the development. When the chapter meetings take place, they often give us a place in their agenda. We just explain to the old people. We share our concerns. We show slides and films. Most of the ones we have now are in Navajo. So we are building that too, the information base, in our own language. Most of all we explain the national energy plan. We explain the plan these American people have for us and how as of now, we have no say in the matter. We go to the communities first and we talk to the elders first, because that is the base, the heads of the families. At first, it is slow. You go to a chapter three, four times. What usually happens on the fourth time we go there, that's when we make the initial–the real contact. It's very hard to express the feelings of these people in English. It's very hard to say what we are feeling in English.

AN: Can you talk about Big Mountain–how that's going?

NB: Big Mountain–I'm sure you are aware of the relocation of 6,000 Navajos. This involves 1.8 million acres of land. Last October the Big Mountain People declared their independence from the federal government and the tribal council. They are resisting, and the elders are leading the fight. In 1977 Roberta Blackgoat, who is 63 years old and some other people, relatives and some of the brothers like Larry Anderson and they stopped the fence line which was going up to partition the land. They tore the fence down for about five miles. The federal fence crew came in again--these are Navajos who are fencing the land. Again, Indian against Indian. They hire Indians to build the fence. Then again the people tore down the line and the feds went to put it up again. The partition line goes across Big Mountain. Right now there is a moratorium on the fence that has lasted 6–7 months but its coming up again soon. The Big Mountain People declared themselves independent, basing their independence on the fact that most of them don't understand English, don't read or write English, don't understand the white man's laws and don't understand tribal council laws. The only law they understand is the natural laws, like we have four mountains and that's the only law they understand. The prayers, the ceremonies, the songs that we have, those are the laws that the Big Mountain People live by.

The Big Mountain People have sent representatives all over the world, to Europe, all across the United States. The world and the United States have now heard about the genocide coming to Big Mountain. So you have 500-600 people in this community working together as one government body. There are medicine people being the spokespersons. They are working closely with the traditional people of the Hopis.

AN: Is it a community being set up or an encamptment?

NB: Yes, its just one big community. It's pretty big, 10 miles by 12 miles. They call it Big Mountain Territory.

AN: How do they survive? Do they have gardens?

NB: Yes, each family, each clan has its own garden. There are natural springs. Big Mountain is the female mountain. They call that mountain the Mother. Because the female mountain has all the herbs and the plants, tobacco, and other medicines, so they call it the female mountain. The male mountain is just the opposite. It has the running waters and the tall trees, the snow and heavy

Everyday is Genocide cont. p. 14

"OUR DESTINY IS THE FUTURE OF THE COMING GENERATIONS"

To the People of the Dene Nation,

We would like to introduce ourselves. We are people from many indigenous nations. We are in support of our relations in Burnham. Dene people in Burnham oppose the strip mining of their land, we wish to be one with our Dene relatives during this time of Company attack against the mother earth and the Dene people. The energy companies are invading indigenous peoples lands all across the U.S. It is a serious time for the survival of our peoples. The Companies have many names: El Paso Natural Gas, Consolidated Coal, Peabody, Union Carbide, but they have one purpose; to attack the land. The Companies attack the land to make money for themselves and at the same time use the resources to exploit the people.

The Company men say they care about the Dene and promise jobs, money and to make things better. We must be honest during these times of promises. If the Companies or their men cared about the Dene, they would not strip mine the earth, they would not force Dene people to move from their homes so the companies machines can tear up the earth to get the coal or uranium. While the Company men talk of respecting Dene culture, they are getting ready to tear up thousands of acres of Dene land. What will happen to the coming generations of the Dene and all the Indigenous peoples if this attack continues unresisted.

The Companies promise of money will not make things better. The money will go quickly, for the white man always gets his money back. Soon the people will still have no money and no land. The people in the lease areas will have to move from their homes and change the way they live. We do not understand how this can be good for the people. If the Companies care for the Dene, why do they do this? It seems more true that the Companies care more for the coal and uranium and the money they will get. The Companies have no respect for the Dene or mother earth. The Companies have no respect.

The jobs the Companies offer will do nothing more than make wage slaves of the Dene workers. Because of the high unemployment the Companies will continue to violate the Dene workers rights knowing there are more Dene who need jobs. The Companies consider the Dene Nation to be an area of cheap labor, so with that attitude how can they be considerate of the Dene people as human beings. We must remember all of our relations who die from the cancers and pollutions of the mines. The Companies will not make things better for the Dene people. They will only take advantage. They will take advantage of the poverty. They will try to bribe your leaders. They will try to turn Dene against Dene with money, lies, and police. We are in support with the Dene peoples resistance to the mining and attacks on mother earth. The Company men call us outsiders, but the reality is, that we are indigenous to this land. We must consider the Company men and where they come from. They come from outside the circle of respect. They come from a way of life that is attempting to destroy our ways of life. They come from 400 years of broken promises. Everytime they come they promise to make it better. This is what they told our ancestors and grandfathers, now it is OUR turn. We must do as those before us. We must resist this invasion. We must serve the unborn. We pray for the people.

We are your indigenous relations and we stand in solidarity as one Indigenous Nation.

NUKES CON'T FROM PAGE 11

form the largest number of shipments today.

2) Industrial isotopes: for testing and manufacturing; also wide variation in radiation levels.

3) "Front end" nuclear fuel materials: uranium ore, concentrate, and mill tailings; UF6 gas; unfabricated fuel (uranium and plutonium); low-level radiation; toxic and carcinogenic.

4) Fuel for reactors; fuel rods with uranium and plutonium oxides; mildly radioactive, toxic and carcinogenic.

5) Special nuclear materials: weapons–grade fuels.

6) Nuclear weapons: transported under heavy guard by the military.

7) Low-level wastes: "slightly contaminated" trash, tools, protective clothing, equipment and residue from nuclear sites.

8) High-level wastes: strongly radioactive, containing long-lived "hot" isotopes; must be heavily shielded; most now held by government in temporary storage; little transport at present. [This is what is beginning to be shipped now – Ed.]

9) Spent reactor fuel: contains one million times the radioactivity of unused fuel; reprocessing not available, most held at reactor sites now. [This is also being shipped now – Ed.]

Medical and industrial nuclear materials are usually shipped by plane, truck and railroad. Uranium and low-level wastes are usually shipped in cardboard or wooden boxes and metal drums via truck. High-level wastes are shipped in specially designed 25-ton casks for truck shipments and 75-ton casks for rail shipments.

These specially designed casks are supposedly virtually indestructable. "Obituary of Cask Safety," an article published in the *Waste Paper* which is put out by the Sierra Club, revealed that it has been discovered that these so–called "safe" casks are not so safe. The NRC has set up specifications for the casks but NRC does not inspect the casks after they are built and the U.S. Department of Transportation which approves designs for spent fuel casks has only six inspectors to work on all hazardous materials packaging for the entire country.

The Nuclear Regulatory Commission is responsible for the physical safety of nuclear shipments. Regulations specify that the NRC must be notified in advance of a shipper's route plan. The NRC is responsible for sending a team of inspectors over the route. Usually the NRC contacts the state police to inform them of the possible route plan. They do not contact local law enforcement agencies along the route. The NRC is not required to make the scheduled route plan public. They say this is to prevent sabotage. Shipments are supposed to avoid heavily populated areas and must have one escort in the transport vehicle or two escorts in a separate vehicle.

The Department of Transportation regulates the containers.

The Interstate Commerce Commission licenses the carriers. There are two major trucking firms handling nuclear wastes. Tri–State Shipping, based in Joplin, Missouri is a leader in the industry but also has one of the worst safety records. There have been accidents such as the one in Johnstown, Pa., September 13, 1979 when a truck carrying radioactive materials crashed and there was leakage of radioactive materials. Twenty miles of U.S. Route 30 was closed that time.

The Department of Energy is involved in military and research materials and of course the Defense Department handles weapons. None of these different agencies involved in the shipment of nuclear materials is required to contact local officials about the shipments in advance. In the event of a nuclear transportation accident it is the local officials who must immediately deal with the crisis. The local agencies include the county civil defense coordinators, county executives, health department, hospitals and emergency personnel. Not only are these agencies not contacted about possible nuclear shipments, they are not trained to deal with such an emergency and often do not have facilities to deal with a nuclear shipment accident.

The Nuclear Information Resource Service in Washington, D.C. has indicated that ONE OF EVERY THREE nuclear shipments violates safety regulations. A study two years ago by Ralph Nader indicates that violations vary from improper sealing which causes leaks and spillage of nuclear wastes on highways to the trucks crossing over the highway median. There are more "accidents" with the shipments of pharmeceutical or medical nuclear supplies simply because of the larger volume of this type. According to NIRS, leaks are not unusual and ANY LEAK HAS DRAMATIC CONSEQUENCES. Every shipment of nuclear materials allows certain levels of radioactivity at or near the package and a certain amount of radiation is always released even during a normal, accident-free shipment. Any accident involving nuclear shipments could contaminate a large area and this contamination can enter the soil and water systems and inevitably the food chain as the radioactive substances are absorbed by plants.

COUNTIES AND COMMUNITIES BAN NUCLEAR SHIPMENTS

In New York State, the Rockland and Suffolk counties, New York City, and the towns of Jerusalem and Geneva have passed legislation regulating or banning nuclear waste transportation. In Vermont, 41 towns voted on legislation prohibiting or banning nuclear waste transportation and 39 towns decided to issue regulations. There are many local ordinances passed across the country which ban nuclear waste transportation. All over the country people are becoming aware of the tremendous hazards involved in allowing nuclear materials to be shipped through their communities.

Just as people are beginning to ban the shipment of nuclear wastes through their communities, the Department of Transportation has published proposed regulations which would deny local and state authorities the right to regulate shipments of spent fuel and radioactive waste. Hearings are being held on this issue until May 31, 1980.

The level of community concern and consciousness about the dangers associated with nuclear materials transport varies greatly. Cornwall, Ontario is one community through which the nuclear materials will be transported just before entering the Mohawk Territory. A Mr. Adams is the Chief Administrative officer of the City of Cornwall. In a phone interview he indicated that his office had not received a single call from any citizens regarding the proposed shipment of nuclear wastes across the International Bridge. Mr. Adams and a member of the Canadian Atomic Energy Control Board were on a local FM radio program for one and one half hours and did not receive a call from any listeners.

CORNWALL BRIDGE ENTERS AKWESASNE TERRITORY

A newspaper article by Gary Schindler which appeared in the *Syracuse Post-Standard* alerted the Mohawk Nation (as did several callers) that the Ogdensburg Bridge which had previously allowed nuclear shipments for 20 years would no longer allow these shipments after June 15, 1980 because the Bridge Authority did not have insurance to cover the enormous costs of a nuclear accident. The same article went on to state that the Cornwall Bridge was being considered as the new route.

Mr. Baland, secretary of the Seaway International Bridge Authority (Ottawa) indicated that his office had not as yet received a request to allow nuclear shipments over the Cornwall Bridge. He indicated that their lawyers were looking into the matter. That was on May 23. When asked what the response of the Bridge Authority would be to a request for nuclear shipments, he stated that the Bridge Manager would require certification from both countries. The shipments would have to be in "safe" containers. The Authority also requires a 48 hour notice for each shipment.

Mr. Reynolds, the Bridge Manager, indicated that the 5th shipment of nuclear materials for the year 1980 had entered the U.S. via the Ogdensburg Bridge and to his knowledge nuclear shipments had never entered the U.S. via the Cornwall Bridge.

The proposed shipments would travel through the City of Cornwall, then enter the Cornwall Bridge. The first span (there are two spans) connects with Cornwall Island which is Mohawk Nation Territory. The second span leaves Cornwall Island and reaches shore within a few hundred yards of the Mohawk Raquette Point encampment.

— Carol Mohawk

Everyday is Genocide from p. 13

rainstorms. But it is the female mountain we are talking about. And they are very careful about it. There are sacred stones, turquoise and white shells and these are used as offerings to the Holy Beings to bless the land and bless the livestock.

People think about why we take over things, and why we do this and why we do that. That's the only way we feel we are going to gain any attention so that the general public may become aware of the direct genocide, the lack of representation our people are suffering. I'm afraid that we have been pushed too far, you know. How far can people endure? How far can these feelings go? It's getting scary down there that somebody is going to get hurt. That's not the Navajo way. The Navajos are peaceful loving people. They never go to violence, they never go this way but the feelings among the people there now are so big. Feelings are real-.the people are just plain tired...

AN: What should other people be doing to be supportive of what is happening?

NB: I was talking recently to people in the anti-nuclear movement. Thousands of people will march against nuclear weapons. They march against nuclear reactors. But these thousands and thousands of people don't realize that when they do this there is still destruction, and there is still desecration of land on the Native People of the Four Corners Area. We experienced the horrors of this for 20-30 years. One of the things we try to point out is that we are at the front of the nuclear fuel cycle. We are also nations of people who have traditional ways that can truly give direction on fighting this monster. It is not a fun–and–games, frisbee–throwing movement. Every day is genocide for us.

It would be good, however, if people concentrated a little bit of attention on Consolidation Coal Company. They are loacted in Pittsburgh (main offices). It would be good to let them know that a lot of people in the American public are watching them, maybe find what other products they make, let them know that destroying Indians is unpopular. (Since this interview we have learned of a demonstration at Consolidation Coal in Pittsburgh –ED.)

The other place to put pressure is on the Navajo Tribal Chairman's Office. Let Peter McDonald know that he isn't fooling people out there with all the supposed development he is bringing to the Navajo People.

If, more and more, people could help us defeat these corporation in the Southwest, I believe we could get them on the run, hit them hard wherever they try to do their dirty work without consulting the local Native People. That's the kind of attitude, the kind of actions that really would help us, would help all of us.

AN: Norman, in your talking and also through the grapevine we keep hearing about Larry Anderson?

NB: Yeah. One of our leaders. That's one of the things that I want to say is, to tell about this one brother, his name is Larry Anderson–he's done so much for the old people. He has done so much for myself and different other people in the struggle in the Southwest. Like Larry, you don't see that often. He's married, has a family and we don't see his family that much because of different invitations from different chapters, different communities on the reservation. Larry has been involved in the takeover of plants, the Fairchilds plant, the plant in Shiprock. And he's been involved in monitoring the oil company there at the plant. And he was involved in the takeover of the Navajo Tribal headquarters there in Window Rock, Arizona. So, people like him--and I would say thank you to this brother for all this, he don't get that much recognition as --oh well that's all I wanted to say--you know Larry, he put it all out on the line. He committed himself and the old people recognize him as a warrior and leader. Like I say, when I am talking about warriors I am talking about people, I am talking about hundreds, I am talking about thousands of people. The same exact people as the old people. So, that's one thing I wanted to say about Larry and how he never thinks about himself. He's always there when the old people invite him.

Welcome To America

Caution: Radioactivity Will Injure Your Health

by Michael Garitty

If you get all your news from the *Washington Post, Star*, or the *New York Times*, or rely on the major TV networks for your daily dose of misinformation, or if you listen to the local PBS (Petroleum Broadcasting System) affiliate, you probably haven't the faintest idea that from April 11th to the 14th, the National Citizen's Hearing for Radiation Victims was held in Washington, D.C.. With the exception of a 30–second spot on ABC's late evening news on Sunday, the 13th, this event of such great national importance and historical significance was ignored by the national media.

Radiation victims came from over 40 states to share their stories and meet with others who have had all-too-similar experiences of being exposed to high doses of low-level ionizing radiation. The stories of the victims, whether told by themselves or by their next-of-kin, were characterized by governmental and military deception, and indifference and hostility to the victims and the incredible suffering experienced by all those subjected to low-level ionizing radiation.

One source of ionizing radiation is that which is emitted from nuclear power plants. It has the energy to remove one or more electrons from an atom. An ion is created which is chemically reactive and can damage living tissue. Ionizing radiation includes x–rays, gamma rays, and alpha, beta and neutron radiation. Ionizing radiation is also used in medical x–rays and constitutes the radioactive fallout from atomic weapons and all phases of the nuclear fuel cycle – from mining and milling to waste storage and disposal. The radionuclides are unstable and eventually decay to a stable element. During this process radiation is emitted and will cause cancer in humans and other animals. When taken into the body, the radiation–emitting radioisotopes are concentrated in a specific organ; most of the effects being concentrated into a small area.

Once radiation has been released by a power plant or a nuclear test, it is dispersed by the wind and is brought down by gravity, rain, snow or fog. If the wind isn't blowing, the radiation will just fall to the ground around the general area of the blast or the nuclear plant, but if the winds are blowing, then the radiation will be taken far away from the point of origin.

After the radioactive particles reach the ground they are absorbed by plants and animals. Many plants and animals which are important human food sources are known to concentrate several radionuclides. For example, iodine is concentrated in milk, and strontium is concentrated in milk, root vegetables and animals.

The Hearings involved some of the most respected scientific names associated with the anti-nuclear movement: Dr. Thomas Mancuso, Dr. Karl Z. Morgan, Sister Rosalie Bertell, Dr. Edward Martell, Dr. Joe Wagoner, and Robert Jay Lipton.

All of these persons told of the dangers of low-level radiation and the adverse health effects to be expected by those exposed to radiation in any of its forms; be they uranium miners, uranium enrichment workers, nuclear shipyard workers, residents in the path of the fallout from the Nevada bomb tests, military personnel forced to watch hundreds of atomic tests in Nevada or the Marshall Islands, military personnel who cleaned up after the holocausts of Hiroshima and Nagasaki, residents living near Three Mile Island or any other nuclear power plant, or patients exposed to excessive medical x–rays.

All of these knowledgeable persons agreed that any dose of man-made radiation, no matter how small or of what duration, is capable of causing cancer or leukemia, and there is no safe level or "threshold" for exposure to radiation. The thirty-five years since the first atomic test have seen the first atomic victims emerge. The next thirty-five years will see and be that dismal legacy.

Sister Rosalie Bertell stated that current Nuclear Regulatory Commission dose limitations for the public are set at 500 millirems a year. The International Commission on Radiological Protection is recommending that those levels are *too low* and should be raised to 167,000 millirems a year. Sister Rosalie called this "a licence for murder", and further stated that "we have initiated a death process in the species" whether we clean up our radioactive environment or not.

Nuclear Fuel Cycle Victims

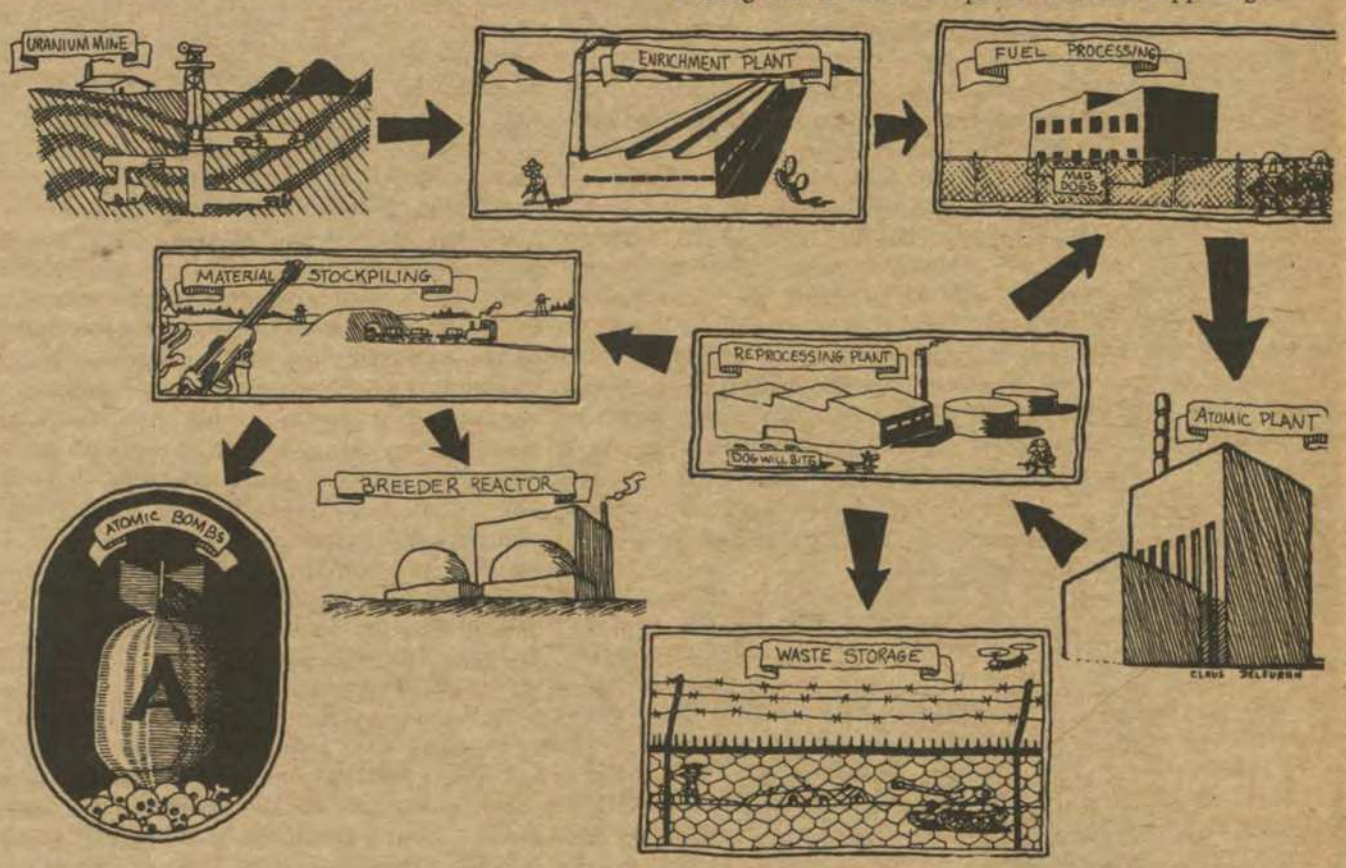
The Hearing's panel, consisting of twelve members, heard testimony from former Navajo uranium miner, Kee Begay, and Pearl Nahkie, widow of a Navajo uranium miner who had worked for Kerr-McGee in its mines and milling facilities for 29 years. He died in 1974 of lung and stomach cancer, as a direct result of working in the uranium mines. Kee Begay said that he's got the beginnings of lung cancer and has had trouble breathing for a long time. Both of these miners' stories were told through an interpreter.

Dr. Joseph Wagoner testified before the Navajo people and added the scientific backing to the highly emotional testimony of the widows, sons and miners. He has extensively researched the adverse health effects of a life of mining and milling uranium ore on both Indian and non-Indian miners. In studies done by Dr. Wagoner and his collegue, Victor Archer, in 1974 and 1976 respectively, it was found that Indian uranium miners were dying of respiratory cancer at a rate almost four times that normally expected for a similar population. The killer was, and is, radon gas and its decay daughters.

On the day after the Hearings, during a workshop on uranium mining, more of the Navajo miners and other Indian People spoke of their experiences with the mines and the hundreds of thousands of tons of tailings left on the reservation by the multinational oil companies and their subsidiaries. Exxon, Mobil, Gulf, United Nuclear, Anaconda, Union Carbide, Tennessee Valley Authority, Kerr-McGee and Western Nuclear, to name only a few, are the corporations with a licence to murder, signed by the governors of the states of Arizona, New Mexico, Utah and Colorado and the commissioners of the Nuclear Regulatory Commission (NRC). Stanley Yazzie, Frank Yazzie Begay, Fannie Yazzie and Elsie Pesakai told of their experiences. With the exception of Elsie Pesakai, they all spoke through interpreters. Stanley Yazzie worked for the Vanadium Corporation and now has TB. He worked in the mine only a few years and left. Yet while he worked there he ate, drank and breathed the uranium dust for more than eight hours a day. Frank Yazzie Begay worked for Kerr-McGee and started his job as a miner at $.90 an hour. Neither man was ever told of the dangers posed to their health by the dust or the radon gas. The hazards were well–known to the company executives and the supervisors who sent the Navajo people into the mines. Scientific studies had documented that radon and uranium were killers two decades earlier.

Fannie Yazzie testified through an interpreter that her husband had worked in a uranium mine for 25 years. She had 15 children. Her husband died of lung cancer as had her father. She has no money, no credit at the only store within walking distance and no hope that her situation will change. She had long ago pawned her jewelry. What she does have are radioactive tailing piles in her back yard and abandoned mine shafts surrounding her home. Her children play on those radioactive piles and in the mines. The corporations have not cleaned up their lethal mess, and aren't about to in the near future, but they continue to mine and mill and expand their search for uranium on the reservation. Fannie Yazzie's travail was interpreted by Harry Tome of the Navajo Tribal Council. Mr. Tome and another Tribal Councilman, Bobby Charley, did not drive out with the widows and the terminally ill miners. They were flown out at tribal expense, and stayed in a hotel and ate and drank at tribal expense. The Navajo miners and widows had to pay their own way. The tribal coffers were not opened to them. The tribal councilmen told how they agonized over the "development" of their resources beneath the Navajo reservation. They said they had to weigh carefully the demands of the energy corporations against the death and suffering caused by the continued mining and milling. They said, "Navajos are just like white people, they want high–paying jobs." They said alot of other bullshit, but no one was listening.

Lakota Harden presented the findings of a recent study of the ground and surface waters that provide the Pine Ridge Reservation in South Dakota with its water supply. Tests done on the Pine Ridge water show that it contains "gross alpha particle activity." The water the people drink is radioactive and the state and federal officials responsible for the water being radioactive (7.5 million tons of highly radioactive tailings lie neglected a few miles west of the reservation) now refuse to provide the Lakota People of Pine Ridge with safe water to drink and use for irrigation (See last issue of *Notes*). That's how things have always been in Indian country and that is what Lakota told the audience the day of the Hearings. She sympathized with the non–Indian radiation victims but she patiently explained to the hundreds of people in attendance that coming to Washington and being ignored by the powers-that-be was nothing new to Indian People. It has been happening to



"IN 1970 THE STRANGEST THING OF ALL BEGAN TO HAPPEN TO JOE'S BODY. FINGERNAIL–LIKE GROWTHS BEGAN TO APPEAR ON THE FINGERPRINT SIDE OF HIS FINGERS AND THUMB, THEN ON HIS KNUCKLES AND FINGER JOINTS. SOMETHING LIKE TOENAILS WERE GROWING FROM HIS ANKLES AND KNEES. HIS BODY WAS MUTATING. THE RADIATION THEN ATTACKED HIS CENTRAL NERVOUS SYSTEM. JOE DIED TWO MONTHS BEFORE THE VICTIM'S HEARINGS. HE WAS ONE OF THE MAIN ORGANIZERS OF THE EVENT."

them for four hundred years and it still goes on. Mable Ann Chasing Hawk of the Cheyenne River Reservation of South Dakota listened as a member of the Hearing panel.

Public relations–men from government and those corporations that make up the nuclear industry often trot out the tired old lie that no one has ever been harmed, much less killed, by the development of nuclear power, but the years of uranium mining and milling in the Southwest, Colorado plateau and the Great Plains, the poor safety systems of the fuel fabrication plants, and the normal operation of nuclear power plants, as well as the ever present threat of another Three Mile Island, have already left a legacy of disease, death and future genetic damage among hundreds of thousands of U.S. citizens.

The government regulatory agencies charged with overseeing the operations of the fuel–fabrication plants and the nuclear power plants never mention the premature aging that accompanies exposure to radiation. They also forget to mention that radiation exposure attacks the human body's immune system, impairing or destroying it, and leaving the body susceptible to diabetes, arthritis, cardio-pulmonary diseases and countless other degenerative diseases. But the victims don't forget. They live with it every day of their lives and all the governmental and industry assurances that radiation really can't harm anyone won't change that fact.

The Enrichment Facilities

The widow and daughter of Joe Harding testified to the circumstances of Joe's death. His name will soon be as well–known as Karen Silkwood's. He worked for 18 years at Union Carbide's Paducah, Kentucky gaseous diffusion plant, one of three enrichment facilities in the country. The other two are at Oak Ridge, Tennessee, and at Portsmouth, Ohio. At Paducah, Union Carbide employs 2,400 workers. Joe started in 1952 when he was 31 and was told next to nothing about the dangers of the secret plant. He was told that the uranium was harmless and that working around the enriched uranium was "no more dangerous than wearing a luminous–dial wrist–watch". He soon found out that was not quite the truth. He began keeping track of the health of his fellow workers. Out of 200 healthy men who started when Joe did, 50 of them died from leukemia, cancer or some unidentified and undiagnosed ailment directly related to the radiation or the highly toxic chemicals processed at the plant, everyday of the week, 24 hours a day.

Joe spent 12 of his 18 years at the plant in the "hottest" areas. He breathed uranium hexafluoride so thick that it formed a haze in the air, and he could taste it as it coated his tongue, throat and lungs. After a couple of hours of work, the enriched uranium dust on the floor was so thick that Joe could see his and other workers' footprints on the floor. After only six months at the plant Joe had open sores at his legs. The company doctors didn't know what they were, or at least that's what they told Joe. A year later, he began having stomach pains. He continued working for Union Carbide. In 1961 his stomach was removed. The changes in the tissues caused by the radiation were so bizarre that the stomach was preserved at the hospital. It was something the doctors had never seen before. Joe had lost 50 pounds and was down to 125 prior to surgery. Afterwards, he weighed 112 pounds. His radiation–induced disintegration continued unabated. In 1968 he got pneumonia, and it was to return every year afterward; eleven cases of pneumonia in as many years. In 1970 the strangest thing of all began to happen to Joe's body. Fingernail–like growths began to appear on the fingerprint side of his fingers and thumb, then on his knuckles and finger joints, his wrists, elbows and shoulders. Something like toenails were growing from his ankles and knees. His body was mutating. The radiation then attacked his central nervous system. Joe died two months before the Victim's Hearings. He was one of the main organizers of the event.

Union Carbide says they are not responsible for anything that happened to Joe at the plant. They say he was a publicity seeker and that his health problems had nothing at all to do with his 18 years of eating, drinking and breathing enriched uranium. Joe's fellow workers thought he was a troublemaker. Joe never got a dime of compensation from Union Carbide. He died struggling against the giant multi-national. Union Carbide did not consider Joe disabled so they denied compensation. They also informed the Social Security Administration and Joe's own private insurance company that Joe had not been terminated because of a job-related disability. After that his private insurance company stopped paying on his claim and the Social Security payments that were scheduled to begin were abruptly cancelled. Actually, nothing less could be expected of Union Carbide (UC). Mr. William S. Sneath, chairman of the Board and Chief Executive Officer, and Mr. Warren Anderson, President of UC, are not interested in the health problems of their employees. They've probably never heard of Joe or if they have they quickly forgot the name. They are interested in keeping profits high and workers quiet. Mr. R.F. Hibbs is President of the UC Nuclear Division. His job and his salary depend on keeping Mr. Anderson and Mr. Sneath happy. When everything is running smoothly at the Paducah plant and at Union Carbide's Oak Ridge Lab and the nearly $1 billion the Feds pay UC to operate those enrichment plants is coming in on time, Mr. Sneath and Mr. Anderson are very happy.

UC operates over thirty uranium mines around the country. They currently face great opposition in their efforts to mine the Black Hills of South Dakota. They operate uranium mills throughout the west. Union Carbide's yearly income of $8 billion makes it the 21st largest corporation in the world. If they had to start paying disability claims or compensation to every worker whose health has been ruined by the company's uranium or toxic chemical operations then the profit margins would not be so great and the publicity would not be so good. People might then stop buying Glad Bags, Prestone Anti-freeze, Eveready batteries, or Simoniz car wax and Messrs. Anderson and Sneath would certainly not be happy about that.

Joe's medical bills total almost $250,000. His youngest daughter died three years ago and now Martha Harding Alls, his and Clara's surviving daughter, is showing signs of radiation exposure and genetic damage. She is prematurely aging and has something in her stomach just like Joe had when his body started to turn on itself. Joe's death list of fellow employees has been taken over by a fellow worker named Ernest J. Purdue. Mr. Purdue has massive lung damage from breathing radiation at the plant. He was too sick to testify at the Victims' Hearings, but he's not too sick to continue fighting UC.

Joe's widow and daughter were followed by George Couch from Aiken, South Carolina. He worked at DuPont's Savannah River Nuclear Weapons plant for 23 years, from 1952 to 1974. He was exposed to massive doses of low–level ionizing radiation at the plant. He worked with tritium, americium, plutonium, radium and organic solvents everyday. He now has leukemia (polycythemia). DuPont has denied his claim for compensation.

George was followed on the stage by the widow and son of a worker at General Dynamic's Electric Boat shipyard in Groten, Connecticut. America's nuclear submarines are built and repaired there. Tyrell and Doris Rhodes told of how their father and husband had died of aplastic anemia in November of 1974. His death certificate was passed to the panel. It states that he died of acute radiation exposure. No compensation was ever given to him or his family. All his medical records at the plant disappeared. His son and widow are awaiting the outcome of a suit filed in Boston for compensation.

Stan Schector works at Atomics International's (Rockwell International) plant in Canoga, California. He was exposed to weapons grade enriched uranium on numerous occasions. The only caution he ever received was that he couldn't grow a beard because it would prevent his wearing a gas mask.

Miriam Karkanian testified that her husband had worked at Rockwell International's Rocky Flats from 1968 to 1976 and died of cancer induced by exposure to plutonium while cleaning up after one of the many fires the plant has had. He was in his thirties. Following her husband's death she tried to get tissue samples from his body. She was told that she'd have to get written permission from Rockwell International. Her husband, Daniel, had a growth removed from his back shortly before he died that was intertwined around his spine. The doctors had never seen such a thing before. She has been unable to get compensation.

Ted Lombard also testified at the Hearings about his work on making the first atomic bomb at Los Alamos, New Mexico in 1945. He was exposed to high levels of radiation at that time and since has had four children with severe genetic damage. His grandchildren also have genetic damage. He stated that "it is inhuman to make guinea pigs of your own population". He described how he unloaded enriched uranium, barehanded, from vans at the test site in Alamagordo. He concluded by saying that "those responsible for this are as guilty as those at the Nuremburg trials of Hitler's Germany".

The Atomic Veterans

In January 1978, the Department of Energy admitted to Congress that over 400,000 military and civilian personnel were exposed to nuclear weapons tests, and the ensuing radiation, since the 1940s. Another 500,000 have been employed at major federal nuclear facilities during the same period.

The Department of Defense conducted hundreds of atmospheric tests between 1946 and 1962 before they were taken underground. During that time hundreds of thousands of Marines, and Army, Navy and Air Force personnel were ordered to watch those tests. The Federal government made no attempts to follow-up on the health of those men until 1977. That year, the Center for Disease Control began an epidemiological survey of the 3,153 men who witnessed the 1957 "Smokey" atomic test in Nevada. In February of 1979, the CDC reported leukemia rates among the participants twice what would have been expected among the "Smokey" survivors. Similar findings were reported by Dr. J. Lyons of the University of Utah, among children in southern Utah who lived along the path of fallout clouds from the Nevada tests.

Elizabeth Catalan lived only a few miles downwind from the Nevada Test Site, in St. George, Utah, as a teenager during the 50s. She and her family were exposed to the burning ash fallout from the tests. She watched her father die of leukemia, and her sister die of thyroid cancer. She had a fetus dissolve in her womb as her body's own enzymes turned on the unborn child.

Preston Truman lived in nearby Enterprise, Utah between 1951 and 1971. He is in remission from lymphoma (malignant lymph node cancer). The first test in Nevada was 29 years ago. The last known test was detonated underground March 8, 1980. Those tests continue to drop radioactive fallout over southern Utah where Elizabeth and Preston live. The tests also continue at a rate of 16 per year. An underground test can be as "dirty" as any above ground test. One underground blast in the early 70s released 3 million curies of radiation

into the atmosphere which dropped on small towns and farmland all across America's heartland.

In addition to the civilians, veterans exposed to the tests testified to being ordered into trenches only a few thousands yards from ground zero. Following the detonation, they were force marched into the blast sometimes as close as 200 yards from actual ground zero only minutes after the blast with the mushroom cloud still hanging in the air and the burning radioactive ash falling on their unprotected skins. The purpose behind exposing so many military personnel to these tests was to determine if US combat troops could survive an atomic blast and be able to fight. They were guinea pigs for the Pentagon.

Some veterans reported being told to protect themselves by putting their arms over their eyes as the blast went off. As the atomic bomb detonated, they could see right through their arms. They'd look at their hands and see the bones. Others said they could see the skeleton of the man next to them. Still others reported classic radiation sickness; they lost their hair, they itched all over and were continually nauseated.

Similar tests were conducted above and below the surface of the South Pacific's placid Marshall Island lagoons from 1946 (Operation Crossroads) to 1958 when international pressure stopped the testing. At least 75 tests were conducted. The 15–megaton "Castle Bravo" bomb was exploded on Bikini Atoll March 1st, 1954. It was the largest US bomb ever detonated. Dr. Edward Martell of the National Center for Atmospheric Research was witness to these and several other tests while working for the USAF and the old Atomic Energy Commission. He was exposed to high doses of radiation over the thirty years he worked with atomic weapons. He now has all the symptoms of multiple sclerosis.

Fallout from the "Castle Bravo" test reached inhabited islands over 300 miles away. Thousands of US military personnel were exposed to extremely high levels of radiation as the nuclear clouds shot upward at 300 mph and winds, several hundred miles per hour at the center and 70 to 100 mph at the edge, rocked the Bikini Atoll lagoon. As the wind shifted and sent fallout toward Navy ships, all hands were ordered below decks and the ships tried to get out of the area as fast as they could. It was during this test that the 22 Japanese fishermen from the "Luck Dragon" were caught by the fallout from the blast. Within three days of the gritty, white ash falling on their ship all of the crew experienced the itching skin, nausea and vomiting characteristic of radiation sickness. One crew man died upon reaching port back in Japan.

The Bikini and Enewetak Atolls were not deserted islands before the atomic tests began. They were home to hundreds of Marshall Islanders whose ancestors had lived on the islands for centuries. But the US military machine had to have those islands for their tests, and so the Marshall Islanders were relocated to uninhabited and, as it turned out, uninhabitable islands elsewhere in the chain. This was the act of a colonial empire whose ambitions were at their height. A similar scenario is still being played out in the American Southwest and Great Plains regions, where indigenous populations are being moved to satisfy the whims of the leaders of a declining empire.

Since the tests began the Marshall Islanders have been suffering from diseases entirely new to their society such as thyroid tumors, leukemia and other exotic cancers. Those Micronesians moved from their homeland to other islands suffered the loss of their cultural identity and, as a result, have one of the highest suicide rates in the world. John Anjain and his son, who interpreted, were at the Hearings to tell of the genocidal acts initiated against their people by the US government and military. Even though the Bikini Atoll is still highly radioactive, albeit cleaned-up, the surviving original inhabitants have been allowed to return. Over 40 nuclear tests took place in the lagoon of that tiny bit of coral reef.

The US veterans who watched the tests in the Nevada desert and the Marshall Islands are experiencing many radiation induced illnesses such as blood and bone marrow cancers, cancers of other radiosensitive tissues, respiratory diseases, general deterioration of health, and sterility. Atomic veterans told of being exposed to 100 rems for as long as an hour or more. 500 rems will kill instantly.

Among those Atomic veterans or their next of kin to testify at the Hearings was Pat Brody, the widow of Major Charles Brody who participated in tests in both the South Pacific and Nevada and subsequently died in 1977 of lymphoma. The VA told her that it had no record of her husband's being at any tests and was denied compensation.

Oscar Thomas Weeks, Jr. witnessed over 17 tests as an electronics technician at the Nevada Test Site. At times he worked at ground zero as little as 24 hours after the atomic blast. There was no monitoring of his exposure to radiation and he now lives in constant pain from his bones and joints.

Mrs. Betty Fronterhouse lives in Oklahoma with her children. Her late husband participated in atomic testing in 1951. He became very ill in 1961 and soon died of cancer of the pancreas at 30 years of age. There was no record of cancer on either side of the family prior to the testings. All of the children born to Mrs. Fronterhouse after her husband's exposure showed severe genetic damage as have her grandchildren.

Bernie Levy, Max Baxter, and John Ridgeway also testified to their experiences as civilian workers at the Nevada Test Site. Mr. Levy can account for at least 8,920 rems of radiation exposure over the 27 years he worked at the site. He has kept records of 118 fellow workers who have since died of cancer. Some, during the early 1950s, were exposed to over 10,000 rems in only a year's time.

Mr. Baxter testified he was sent to ground zero on many occasions the day after testing. He recalled being sent in on one particular test five minutes after the blast. He was immediately overcome by radioactive gases and passed out. He had breathed huge amounts of plutonium which produced the cancer he now has.

Mr. Ridgeway worked at the test site and at the Lawrence Livermore Lab and saw over ten years of testing. He also has cancer and, like all of his fellow workers, was never warned of the dangers of radiation and never wore monitoring devices of any kind while at the test site.

In addition to the Atomic Veterans who witnessed the first above–ground testings, there were more than 1,000 men who were sent into Hiroshima and Nagasaki to clean-up those devastated cities. The Veterans Administration contends that no GI suffered any biological harm from the radiation encountered in Japan. Some vets worked at ground zero with no protective clothing or monitoring devices. They testified to becoming sick and passing out. Some reported being sent back to the US after such experiences and being discharged within three days of their return. None received medical help or any follow-up by the Department of Defense or any other governmental agency.

Also at the Hearings was Mr. Kanji Kuramoto who is President of the Committee of Atomic Bomb Survivors in the United States. He was born in Hawaii and went to live in Hiroshima when he was three years old. Like several hundred Japanese–Americans, he was in Hiroshima on August 6th, 1945, when the atomic bomb was dropped on that city. He described the unbelievable human suffering he saw in the bomb's aftermath.

Medical Exposures

Medical exposure to radiation is perhaps the most serious problem facing the general population in terms of public health risk. The Roswell Memorial Cancer Institute shows that x–rays given needlessly have contributed to significant increases in leukemia, other cancers, heart diseases and genetic damage. According to the Bureau of Radiological Health, of the Food and Drug Administration, up to 50% of medical x–ray equipment is not certified for safety. They also estimate 40% of all x–rays given in the US are given needlessly.

Mrs. Emma Rita Mihal came to the Hearings to testify to the grizzly details of her exposure to medical x–rays. Her doctor denied that she was pregnant when she was actually two and a half months along. He told her that she needed radiation treatment immediately or "she might never have children". Mrs. Mihal knew she was pregnant, but allowed the doctor to browbeat her into the treatments. She was given Roentgen Therapy three times a week for four weeks alternating from the left ovary to the pituitary gland and then the right ovary. Each exposure to the x–rays was six minutes long and 200 roentgens per treatment. Her baby daughter was born on September 18th, 1957. She is a microcephalic and was born with radiation burns on her back. Her first child was born normal before the treatments began. Mrs. Mihal has since had another child with severe genetic damage. The baby is blind in one eye and bleeds continuously from the mouth. The doctors don't know what is wrong with her. But her story does not end there. She attempted to sue the hospital and the radiologist for what had been done to her. She hired an attorney who, she learned at a much later date, after years of inaction on her claim, was on the Board of Directors of the hospital she was trying to sue. The radiologist was also a personal friend of her attorney. She was told nothing about this when she first went to the attorney.

Following Mrs.Mihal was Mr. Joe Victor. Joe's face has been horribly disfigured by radiation therapy for a skin rash he contracted during WW II. His first six treatments with x–rays were in 1945. The rash left for a few months but returned. He had more treatments – 1,170 roentgens, but still it wouldn't go away. He had more and more treatments. The doctors told him the x–rays couldn't possibly do him any harm, so they didn't keep a record of the dosage he was exposed to. By 1953 he had tumors all over his face. He was 26 years old. Since that time he had 20 plastic surgery operations to reconstruct his nose and chin. He grew to middle–age in the hospital and has never married. He used to be ashamed of his face and kept away from people, especially children, but now he wants Americans to see his face and know the very real dangers of radiation "therapy".

The Hearings ended Saturday night. The audience was overwhelmed with the testimonies they had heard and everyone left wondering how many of their fellow Americans were radiation victims of one sort or another and didn't know it. How many have died not knowing their lives were shortened by radiation exposure? No one who left the auditorium or the thousands who listened to nation-wide radio coast-to-coast will ever believe another technocrat when he dismisses public concern over a radiation release from a nuclear power plant by saying that the release was small and poses no danger to humans. They won't ever again believe their dentist or doctor when they say a few x–rays won't hurt, and they will know the next time they read of a radioactive release taking place at Oak Ridge, Livermore, Three Mile Island or their local nuclear power plant, that the people who live near the plant or enrichment facility or nuclear shipyard are in danger and are guinea pigs. They will know that the officials are lying when they say there is no danger from the releases of radioactive particles into the air. They will know that when company PR men say that uranium mines used to be bad to work in but are now safe, they, too, are lying. They'll know, they can't trust their own government to protect them from the radiation hazards in the environment. As Sue Shetrom, a schoolteacher from Etters, Pennsylvania, three miles from the crippled Three Mile Island nuclear power plant, said that the residents near that plant "will continue to be afraid for the rest of their lives and their children's lives". That one accident has doubled her chances of getting leukemia. Infant mortality in the area has increased as has thyroid cancer and spontaneous abortions among livestock and humans. She wished she could explain to her daughter why she can no longer stay at home as much as she used to before the partial meltdown. She wants to tell her daughter that she can't passively watch while the utilities, with the full support of the US government, commit murder. She and her husband have thought about moving away but they "haven't found a place far enough from another reactor, uranium mine or waste storage site". And her daughter is too young to understand.

No one who was there or heard the Hearings on radio will ever be able to just sit at home and watch as the government and private industry commit murder.

The New Indian Elite: BUREAUCRATIC ENTREPRENEURS

FOR THE NORTHERN CHEYENNES, AS WELL AS OTHER INDIAN NATIONS, ONLY A GREATER PARTICIPATION BY THE GRASS-ROOTS PEOPLE, WILL ENSURE SURVIVAL.

A major movement is sweeping across the United States. The entire political economy is in crisis and thus in flux. In Indian Country a new class is taking control. Those who serve federal and corporate priorities while building up their own power bases within tribal bureaucracies promote progress in terms of increased dependence on money, and decisions based on negotiated compromise.

The ascension of this class was made possible by the international requirements of capital/industrial societies. As the structure of capital has changed to support energy, petro–chemicals, agri–business, and capital intensive technology, etc., reservations have tended to act as obstructions: depressed and mainly limited to timber, livestock, farming, small crafts. The new large scale demands for energy development being placed on reservations have strained their bureaucratic and industrial capabilities. These tensions are exacerbated as inflation and federal cutbacks in social services have diminished the amount of monies previously available to tribes. As tribal debts increase and tribal job opportunities decrease, tribal councils are becoming more "positive" about energy development. Concurrently, the federal government is offering various inducements to those tribes agreeing to develop their resources. The strains and breaks created by this process on reservations and especially within tribal governments open the door to those people willing and able to support capitalist development. Whether educated in universities and experienced in off–reservation living, or merely attempting to escape a life of poverty, the members of this new class "understand" the ways of progress and modernity. However, this new class is unwittingly leading tribes into a new era of neo–colonialism. This possibility is being actively encouraged by direct federal initiatives: National Sacrifice Area, CERT, SEDS, and Negotiations. These provide the context and the explanation for many seemingly local and personal tribal developments.

National Sacrifice Area – Beginning in the late 1960s, plans were developed to insure that industries and corporations would have the energy needed for continued profit and growth. Because of its massive coal, uranium, oil and gas deposits, the Northern Great Plains were designated a National Sacrifice Area. In Southeastern Montana alone, projections called for the construction of 21 coal fired generating plants (see *North Central Power Study*, 1971). Of course these plants were to be strategically located near available sources of coal and water. Already, these plans are being transformed into "development" activities. Construction has started on the two 700–megawatt power plants 3 and 4 at Colstrip, only 21 miles from the Northern Cheyenne Reservation. By the early 1980s, a major strip mine will be opened a few hundred yards from the reservation town of Birney, home of the most traditional Cheyenne. The neighboring Crow tribe has just closed a deal with Shell Oil to open coal stripmines bordering the SW area of the Northern Cheyenne. Negotiations for synfuel plants on the Crow reservation are gaining momentum. Thus, the Northern Cheyenne are being increasingly enclosed by major energy developments.

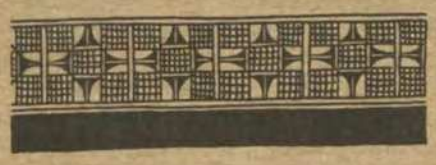
Massive infusions of non–Indian workers and mainstream values could overwhelm the remaining strength of the traditional mores. Social, economic and political changes will parallel the altered natural and physical environment. Anyone who has seen the waste and expanse of a strip mine can easily envision the real meaning of a national sacrifice area.

CERT – The Council of Energy Resource Tribes is billed as the American Indian OPEC. However, major differences invalidate this analogy. While OPEC is controlled by its member states, CERT is controlled by its staff. Though OPEC is financed from the oil revenues of member nations, CERT is mainly financed by federal monies. Increasingly tied to DOE (Dept. of Energy) and such corporations as ARCO, Equitable Life, and FLOUR, CERT is quickly becoming an open advocate for energy development.

Two recent CERT initiatives amply illustrate its position. In a widely publicized meeting last December, CERT became the funnel for $24,000,000 earmarked by the federal government for energy development on selected reservations. Especially relevant was the feasibility study for a synfuel plant on the Crow Reservation. CERT along with representatives of member tribes, ARCO, Equitable Life, and DOE reasserted their commitment to a vast program of energy development on Indian lands.

The second initiative concerns CERT's designation as the agency to conduct the Indian Lands Study, a report intended to form the basis for congressional decisions concerning the ability of tribes to enforce federal stripmine regulations. While states were already named as federal regulators on state lands, the status of Indian tribes and Indian lands was unresolved. CERT, in turn, sub–contracted various tribes to undertake their own specific reports. These reports were funnelled not to Congress but to CERT for use in its own evaluation. CERT's report and not those of the tribes went to Congress. In other words, the CERT staff – not tribal employees – screened the content of the materials utilized by Congress.

Thus, CERT is interposing itself between the federal government and the tribes. Tribes going along with the CERT platform receive relatively large infusions of federal funds. While its press releases advocate tribal sovereignty, CERT's actions underscore federal control. Further, CERT is usurping the prerogative of tribes themselves. Acting as a lobby for its own vision, CERT is portraying itself to non–Indians as the spokesman for tribes. Similarly, CERT is actively seeking to make tribes dependent on its own expertise, both in garnering federal energy monies and in negotiating energy agreements. In this way, CERT is becoming the Indian Power Broker.



SEDS – Recently, the beginnings of a major new federal Indian policy have been formulated. Socio–Economic Development Strategies (SEDS) typifies "inter–agency cooperation" in an effort sponsored and initiated by the Administration of Native Americans (ANA), Community Services Administration (CSA), and the Department of Energy (DOE). While formulated by officials at ANA, CSA, and DOE, the SEDS policy is being explained to tribes by staff members of CERT and NARF (Native American Rights Fund). For now, only CERT members may apply, and a limited number of applicants will be chosen for the initial SEDS effort. Of course, the participating tribes are being promised large sums of money in the near future. An implicit threat to non–participants may also exist: loss of existing ANA, CSA and DOE revenues through actual monetary cuts or inflationary erosion.

The SEDS program requires the participating tribes to reorganize their tribal government structures, specify their development goals and objectives, and formulate a five year development plan to institutionalize a chosen development strategy. SEDS is pictured as a benevolent attempt to persuade tribal governments into consolidating their bureaucratic confusions while defining their own purpose and direction. The SEDS directives carefully state that such goals and strategies must be tribally defined. However, a different reality emerges when the overall context of federal policy and national economic requirements is considered.

Tribes selected to participate in the SEDS program are required to centralize and rationalize their governmental structures. By strengthening tribal governments and bureaucracies, SEDS hopes to stabilize Indian politics. Both the federal government and private corporations have had great difficulty in developing Indian lands because tribal politics have been so unpredictable. By solidifying tribal governments the SEDS effort would create those conditions needed for "sound economic development", i.e. the enforcement of federal priorities and corporate growth.

Obviously, the current demands for corporate energy development have become the overriding theme of all federal policy efforts. Thus, while the SEDS directives do not name energy development as their goal, the reality is not too far below the surface. SEDS can been seen as an extension of the Indian Self–Determination Act, which turned Indian governments into the local administrators of federal policies. In short, SEDS is but one more avenue to develop, i.e. control, Indians and their resources for non–Indian needs: federal growth and corporate profit.

SEDS also allows the new class of Indian bureaucratic entrepreneurs a fantastic opportunity. Not only will they be allowed to reorganize tribal governments in their own image, but they will be given the money to support and solidify their take-over. Thus, tribal governmental structures will become more centralized and hierarchical. Planning departments and offices will multiply. Experts who share the vision of capitalist development will be required to formulate the detailed plans and strategies: enter CERT, exit most tribal members, and any pretext towards traditions and democracy.

Negotiations – The concept of a negotiated settlement has been around for a long time – ever since the Europeans claimed America and began offering treaties to their hospitable red brothers. The practice of coming together as "equals" in a most honored environment for the discussion of priorities and requirements continues (among Indian representatives) to dispel any fear of "being taken". (This type of playing up to the adversary's ego is dangerous in any circle.) Nineteenth century treaties were negotiated to protect whites from the strength of Indian warriors on the battlefield; twentieth century negotiated settlements tempt tribes into forsaking judicial battles. Alluring large payments join promises and alcohol in deflecting interest from the main issues at hand.

Obviously, opponents do not offer to negotiate unless something is to be gained.

The strategy to negotiate was encouraged last year by Dept. of Interior officials in order to bypass the cost of lengthy court proceedings, and to remove the issue of Indian water rights from the jurisdiction of federal courts, known to be "sympathetic" to Indian claims. The Northern Cheyenne tribe moved from a position of relative strength within the court system to a very weak position vis–a–vis state negotiations when it agreed to negotiate.

While few tribes have sufficient funds for legal counsel, fewer still are adequately prepared for any negotiations. Tribal negotiators are not well enough acquainted with the desires and rights of tribal members – as under the US Constitution, treaties, corporate charters, contracts, tribal charters and constitutions. Negotiations are reduced to ludicrous sessions between experienced, strong corporate legal staff and the inexperienced delegate.

Negotiations cannot succeed unless Indians can approach the conference table from a secure, unified position.

INDIAN ELITE CONTINUED

Initiatives such as CERT and SEDS attempt to create the institutional capability through which tribes can be managed and their resources developed. Instead of having to deal with the large number of factions so characteristic of tribes, corporations and federal officials only have to deal with one central group within each tribe – the new class of Indian bureaucratic entrepreneurs – and similarly, one group between tribes, CERT.

Institutions needed to procure Indian resources are being constituted. What remains is the process through which development will actually take place. This has also been decided. The process of negotiations links all federal initiatives through the coordinated framework of such organizations as CERT and SEDS, while using the class of Indian bureaucratic entrepreneurs as instruments of negotiated destruction.

Whatever its name, the aim of the new federal/corporate Indian policy is to usher in a new era of neo–colonialism. Like a beautifully tied gift package, the new Indian policy neatly wraps up the interests of the emerging class of Indian bureaucratic entrepreneurs with those of the CERT power brokers, corporate profit seekers, and federal policy managers. The result of these power combinations will be the transformation of the Northern Great Plains, as well as many Indian reservations, into National Sacrifice Areas. This entire process can be illustrated by developments on the Northern Cheyenne Reservation.

THE EXAMPLE OF THE NORTHERN CHEYENNE

The crunch for the Northern Cheyenne came in the late 1970s. The expansion of social services provided by tribal and tribally contracted programs ended with a contraction of federal monies and tribal revenues. The Northern Cheyenne Tribal Council was caught unawares. As the U.S. entered successive recessions and inflation continued, the federal government's enthusiasm to subsidize reservation economies weakened. The Council sought new sources of revenues to meet the increasing needs of its growing population. With timber and livestock markets depressed, one possibility was glaringly apparent: open the reservation to energy corporations.

Taking advantage of the tense financial climate, a pro–development faction took control of the Northern Cheyenne Tribal Council. All governmental groups considered as obstacles to immediate development were undermined, co–opted, or purged: a textbook case of "divide and conquer". This process began last winter when the head of the ANA Planning Office was forced to resign, replaced by a member of the immediate development faction. In the spring of last year, the Tribal Council's Administrative and Natural Resources Committees were fragmented when their chairmen joined the recently formed pro–development Planning Committee. This winter, the Northern Cheyenne Research Project was dismantled: under great pressure and harassment from the Planning Committee, 12 staff members and the director resigned within a two months period.

Concurrently, the immediate development forces consolidated their power. A seven member Planning Committee, formed from the 21 member Tribal Council, has initiated major organizational changes in the tribal government. All tribal committees were placed under Planning Committee oversight. All proposals and grants are required to go through the Planning Committee before reaching the Council floor. Moreover, the immediate development faction twice attempted to push through development proposals. In August, an agreement with two speculative coal groups was introduced. This initiative was ultimately defeated in September, due to its gross inadequacies, e.g. subsoil rights to 500,000,000 tons of coal were to be exchanged by the Tribal Council for minority interest and a $1 a ton fixed royalty on coal then sold for $20 per ton at mine mouth. Characteristically, until the final week, all public discussion was directed toward the supposed benefits the agreement brought to the people. After its momentary defeat, the immediate development faction turned to oil and gas. Ignoring advice to develop its own oil and gas operation which would secure tribal control and profits, the Planning Committee is concentrating on the classic up–front monies and royalty agreement. To prevent a recurrence of their previous defeat, the Planning Committee has avoided any public participation, and has made it difficult to obtain any information concerning the present negotiations.

Current initiatives towards obtaining an energy agreement are prompted by the upcoming tribal elections in September. A bandwagon effect has been created as the Council members and officials vie with one another for recognition as participants in securing up–front monies. Like the previous effort, the present negotiations are classic. The Planning Committee with Tribal Council concurrence is concentrating on up–front monies ($6,000,000) and a royalty (25%). In exchange they are willing to give up *all* subsoil rights to *all* oil and gas existing under the entire reservation. All operating, siting, zoning, etc. decisions will be made solely by the corporation. Currently, "negotiations" concern the term of the agreement. The Tribal Council wants a 33 year lease while the corporation desires a 70 year lease!!! Such important issues as environmental, economic, social and cultural impacts are not discussed. Any analysis pertaining to tribal sovereignty, popular participation, and tribal control have been bypassed in favor of rhetoric. Thus, anyone speaking against such deals is labelled as obstructionist and anti–Cheyenne.

WHATEVER ITS NAME, THE AIM OF THE NEW FEDERAL/CORPORATE INDIAN POLICY IS TO USHER IN A NEW ERA OF NEO–COLONIALISM. ...THE RESULT WILL BE THE TRANSFORMATION OF THE NORTHERN GREAT PLAINS, AS WELL AS MANY INDIAN RESERVATIONS, INTO NATIONAL SACRIFICE AREAS.

All issues have taken a secondary position to immediate cash and development concerns. A major court decision has gone against the tribe's claim to water rights, favoring a Montana state claim. Although the decision is being appealed, the state has sent notices to tribal allottees requiring their application for state certification of water rights. Instead of protesting and even enacting their own water code (which has been sitting on the Secretary of Interior's desk in Washington waiting for approval), the Council, having bowed to pressure from NARF and Dept. of Interior lawyers and officials, has agreed to negotiate with Montana state. Water is becoming even more crucial in the Northern Great Plains as more energy development is undertaken. Characteristically, there has been no public discussion of such an important decision.

While the coal and oil and gas efforts were going on, secret negotiations, i.e. secret to most tribal members, were taking place between Planning Committee members and Montana Power officials. A public utility, Montana Power is required by permit to negotiate with the tribe on employment, training, and air–quality monitoring issues connected with the construction of power plants 3 and 4 at Colstrip. The Planning Committee was attempting to acquire monies from Montana Power in return for a promise to cease actions further obstructing the construction of the plants. Previously, the clean air requirements for the reservation's Class I air status delayed plant construction almost two years. The obstruction was removed recently when EPA made a controversial decision based on a dubious and hypothetical air control model. Construction is now formally permitted. However, if the tribe appealed the EPA decision, the construction could again be stopped by court order. The appeal thus formed the premise for bargaining with Montana Power, whereby Planning Committee members tried to extort large sums of money. Neither the existence nor progress of these negotiations was mentioned on the Council floor until two days before the end of the appeal period. Indeed, the only public information concerning the progress of these negotiations appeared in an issue of the Billings Gazette in an article headlined, "Is Cheyenne Class I Air For Sale?" On Monday, April 21, the Council voted to sign an agreement with Montana Power for $75,000 a year for 5 years, thus terminating any right to appeal. Only now may the Northern Cheyenne people learn details on what was done in their name, but without their knowledge. Air, water, and oil and gas resources on the Northern Cheyenne Reservation are now being compromised through negotiations.

Though the issue of energy development is very important and disturbing, another even more crucial issue exists: Who is making the basic decisions? Turning discussions into whether to develop oil and gas or not assumes that the decision to develop energy resources has already been made. Yet, the Northern Cheyenne people have not made such a decision; indeed, they are not even aware that such a decision has already been made for them. The Cheyenne people are being actively excluded from participating in such decision making.

In late January, a detailed proposal for an independent public information effort was presented to the local Catholic mission. An independent status would open the possibility for the objective retrieval and distribution of information important to all the people. The proposal specified a method of information distribution complementary to Cheyenne traditions and sensibilities. The proposal focused on informing the mass of Northern Cheyenne and thus enabling them to utilize the information in efforts toward effective participation in their own tribe's decision making. However, an informant gave the ANA Office a copy of the proposal. Under the supervision of the Planning Committee and supportive of immediate development efforts, the ANA office took a dim view of such an informational effort. ANA staff submitted the same proposal with a new cover letter. Thus any available information would be controlled by the immediate development faction!

In late February and early March, a group of Northern Cheyenne tribal members began circulating a petition which called for a referendum vote on any "deal" involving the tribe's natural resources. Two people passing the petition around happened to be employees of the Tribal government. As soon as the immediate development faction learned about this effort, the participants became targets for a most uncomfortable tirade: continuing the petition would result in their being fired.

Recent debates in the Council witnessed rumors and questions about the oil and gas negotiations. In the April Council session, some tribal members questioned the proceedings. They desired information. Ensuing discussion centered around the possibility of public information meetings and even a referendum for an oil and gas decision. However, with only one dissent and two abstentions, the Council passed a resolution reemphasizing the continuation of oil and gas negotiations, and the authority of the Tribal Council to make all final decisions. The resolution mentioned no provisions for public information or input. Any misgivings among the majority seemed to be quieted by a provision for 80% of tribal oil and gas revenues to be distributed to individual tribal members, with the remaining 20% going to the Tribal Council.

Energy development will have severe ramifications for future generations. Allowing oil and gas development will most likely open the door to massive energy development: coal strip mining, coal fired generating plants, synfuel plants, massive infusions of non–Indian workers, materialist values, greater dependence on the money economy. These issues must be discussed. However, as the above examples illustrate, the immediate development faction controlling the Tribal Council and government also seeks to control all information and decision making powers. Even if some popular discussion is forced on the Council, the development faction will attempt to deflect debate from whether to develop or not to how and how much – and from important issues to dollar amounts.

In the traditional Cheyenne Way, important decisions were made only after everyone was satisfied that a comprehensive and clear public discussion of the issues had taken place. Yet, the present IRA established constitution does not provide for any popular input – much less decision making powers. Except for biannual council elections, the Tribal Council is not formally accountable to the people at large. No roll call votes are recorded. Council minutes are not distributed. Rumors abound because neither objective nor comprehensive information is forthcoming.

(Continued on pg. 35, Column I)

Trust Theory Axed – Almost

U.S. vs MITCHELL

In an action brought before the Supreme Court (UNITED STATES vs MITCHELL, decided April 15, 1980) regarding the Quinault Tribe of Washington State, the court has reversed a Court of Claims judgement and has decided that the United States cannot be held liable for financial damages based on the mismanagement of ALLOTTED Indian lands.

The Supreme Court also ruled that the "trust" responsibility was of a limited scope. This limited scope of responsibility is confined to what is actually written in federal statutes and treaties.

The judgement of the Court of Claims, which was overturned, held that the General Allotment Act created a responsibility of the highest order (fiduciary duty) on the United States to properly manage the timber resources of the Quinault Nation and constituted a waiver of sovereign immunity against a suit for money damages as compensation for breaches of that duty. Sovereign immunity is that policy by which the United States cannot be sued without its' consent.

The Quinault's land was ALLOTTED to individual Quinaults under the General Allotment Act of 1887, but remained held in "trust" by the United States. The Quinaults were seeking to recover damages from the government for alleged mismanagement of their timber resources on their allotted lands claiming that the federal government had failed to obtain fair market value for timber sold, failed to manage timber on a sustained–yield basis and failed to rehabilitate the land after logging; failed to obtain payment for some merchantible timber, failed to develop a proper system of roads and easements for timber operations and exacted improper charges from allottees for roads, failed to pay interest on certain funds and paid insufficient interest on other funds, and exacted excessive administrative charges from allottees. The "authority" under which the Secretary of Interior has pursued the management of timber resources began in 1910 when Congress "empowered the Secretary of the Interior" through legislation, (25 U.S.C.) to handle timber resources of Indian peoples.

The Supreme Court, however, ruled that the U.S. has not waived its sovereign immunity from lawsuits.

UNITED STATES vs MITCHELL is an important decision because it focuses on the theory and intent of the so–called "trust" relationship between the U.S. and Indian people. In this particular case the Supreme Court focused on the question of whether or not the U.S. was liable for money damages due to mismanagement of timber resources based entirely on the General Allotment Act of 1887. The ruling stated:

The Act's (General Allotment Act of 1887) legislative history also indicates that the trust Congress placed on allotted lands is of limited scope, it appearing that when Congress enacted the Act it intended that the United States hold the lands in trust not because it wished the Government to control use of the lands and be subject to money damages for breaches of fiduciary duty, but simply because it wished to prevent alienation of the lands and to ensure that allottees would be immune from state taxation. Furthermore, certain events surrounding and following the Act's passage indicate that it should NOT BE READ AS AUTHORIZING, MUCH LESS REQUIRING, the Government to manage timber resources for the benefit of Indian allottees. (Emphasis added.)

When the General Allotment Act was passed it's purpose was to allot land to individual Indians for the purpose of agriculture and grazing purposes which was part of the assimilation program. The Act put these allotted lands in "trust" to the United States for a period of 25 years. The "trust" period was extended by the Indian Reorganization Act of 1934 which gave the United States "trust" over Indian lands indefinitely. The Supreme Court said:

We conclude that the Act created only a limited trust relationship between the United States and the allottee that does not impose any duty upon the Government to manage timber resources.

The Supreme Court further stated:

The legislative history of the Act plainly indicates that the trust Congress placed on allotted lands is of limited scope. . . under this scheme, then, the ALLOTTEE, AND NOT THE UNITED STATES, WAS TO MANAGE THE LAND. (Emphasis added)

The General Allottment Act, then, cannot be read as establishing that the United States has a fiduciary responsibility for management of allotted forest lands. Any right of the respondents (Quinaults) to recover money damages for Government mismanagement of timber resources must be found in some source other than that Act.

The decision was made on a 5 to 3 vote with Chief Justice Burger taking no part in the decision of the case.

The dissenting opinion of the three Justices in the minority strongly argues that the Supreme Court's view of a "trust" relationship was too short–sighted. The dissenting judges felt that the United States did indeed have responsibility for damages to "trust" lands. They used a much broader, common–law, view of a trust relationship indicating that when there is a trustee (the U.S.), a beneficiary (the Indian allottees), and trust lands that the trustee has duties and responsibilities to manage that "trust" properly. They referred to the "backdrop of a relationship between the United States and the Indian tribes that had long been considered to 'resemble that of a ward to his guardian.' " Howard Berman from the Indian Law Resource Center commented that "The "theory of wardship" has been used for the past 100 years to justify the federal governments authoritarian control over every aspect of Indian people's lives and that the trust "responsibility" theory is used most often to expand the power of the Bureau Of Indian Affairs (BIA) over Indian people. The BIA reasoning to justify their mismanagement of Indian resources is the "trust" theory in which the BIA says it takes actions that are "in the best interest" of Indian people."

The Supreme Courts decision was a narrowly focused decision which decided only that the U.S. was not responsible for damages to timber resources UNDER THE GENERAL ALLOTMENT ACT. They left the door wide open for further attempts to prove U.S. responsibility for damages under "some source other than that act."

"THE DECISION SEEMS TO PUT TO REST TEN YEARS OF ADVOCACY BY "FOLLOW THE SYSTEM" NATIVE PEOPLE AND ADVOCACY GROUPS SUCH AS THE AMERICAN INDIAN POLICY REVIEW COMMISSION AND THE NATIVE AMERICAN RIGHTS FUND WHICH PRACTICALLY FOUNDED THEIR EXISTENCE ON THE BASIS OF A 'TRUST' RESPONSIBILITY OF THE UNITED STATES WHICH THE SUPREME COURT NOW SAYS PRACTICALLY DOESN'T EXIST OR IS SEVERELY LIMITED IN SCOPE"

THE MITCHELL DECISION COULD USHER IN A PERIOD OF LESSENED DEPENDENCY BY NATIVE NATIONS AND COMMUNITIES WHO ARE NOW WELL ADVISED TO MANAGE THEIR RESOURCES THEMSELVES ANE RESIST FEDERAL INTERFERENCE IN THEIR AFFAIRS. . . "

The significant point in this decision, according to Tim Coulter of the Indian Law Resource Center, Washington, D.C., is that the Court points out that the federal government has no power, or authority, to act as Trustee unless that power or authority is specifically written into federal statute or treaty. Coulter stated that the decision "knocks the "trust theory" or the "trust myth" in the head because the Court will not honor or listen to the "trust theory" unless the Court can see it in black and white. The whole "trust theory" is the tool used by the federal government, the Secretary of the Interior and the BIA to harass Indian people since the termination era."

Howard Berman stated that "the language of the "trust theory" would seem to require the U.S. to act honorably but the U.S. will not be held responsible for the mismanagement, destruction and exploitation of Indian peoples natural resources. Indian people should be active in challenging the so-called "trust power."

Recent changes in the natural resources situation which now not only includes timber, but extends to uranium, coal and water presents a serious dilemma for Indian people since the federal government controls these resources and the Indian people have no recourse against the federal government if these resources are not managed properly.

When the Supreme Court said that the "Act should not be read as authorizing, much less requiring, the Government to manage timber resources for the benefit of Indian allottees" should we not interpret this as meaning that the BIA does not have the great power and authority to run Indian affairs and that Indian people should make a much stronger effort to manage their own affairs with their timber and natural resources? This Supreme Court decision would seem to bolster sovereignity for Indian peoples just as surely as it limits the United States control over our affairs to what is specifically written in federal statutes and treaties.

The decision will have significant affect on upcoming court claims by Indians where the destruction of Indian lands continues. According to this decision of the Supreme Court, when it comes to damages to Indian lands or resources, the federal government has no "trust" responsibility and cannot be sued, but when the question arises over who has control over Indian resources, it's a different story.

The decision seems to put to rest ten years of advocacy by "follow the system" native people and advocacy groups such as the American Indian Policy Review Commission and the Native American Rights Fund which practically founded their existence on the basis of a "trust" responsibility of the United States, which the Supreme Court now says practically doesn't exist and is severly limited in scope.

The decision further places responsibility for management of Indian resources into Indian hands.

The new decision of the Supreme Court opens a new era in the rhetoric which disguises federal control of Indian resources. It would appear that the courts will not award monetary damages for acts committed by the BIA, or the BLM (Bureau of Land Management) on Indian lands unless fiduciary responsibility is delegated by some specific federal legislation. This means there is little or no justification for Indian people allowing the BIA or BLM to manage their resources. The Court seems to say that the BIA and BLM have no power to manage those resources.

The Mitchell decision could usher in a period of lessened dependency by Native Nations and communities who are now well advised to manage their resources themselves and resist federal interference in their affairs. But the language contained in the Mitchell decision is also vague enough that we may be on the threshold of an era, in these energy starved times, in which the Courts are opening Native lands to a "energy rush" of exploitation as never seen before and which will be cushioned by no rights of redress through litigation. *(See article in this issue of AKWESASNE NOTES entitled "The New Indian Elite: Bureaucratic Entrepreneurs - Ed.)*

Carol Mohawk

Peter S. James: "Another Case Of American Just–us?"

TLINGIT FAMILY SUES CITY OVER SHOOTING DEATH OF BROTHER BY POLICE OFFICER
by Michael Logan and Tsenak

Peter S. James Jr. (Naaw Woos Kleik) was born in Sitka, Alaska, on January 10th, 1951. He was shot to death on August 21st, 1979.

On the morning of August 21st, 1979, the family of Peter S. James, Jr. learned of his shooting death at the hands of a Sitka Police Officer in their hometown and current residence of Sitka, Alaska.

When Pete's brothers, John and Bob James and Richard Joseph learned of the death that morning, their immediate concern was to view Pete's body. Upon arrival at Prewitts Funeral Home the brothers were barred from viewing Pete's body by Sitka Police Sergeant Steinnerd. The brothers were told at this point by the Sgt. and subsequently by Police Chief Edgar Thornton that because their brother's body was "State's evidence" they would not be allowed to view it. No date was given by which they might be allowed to view their brother although the James brothers expressed their great concern in this regard. The brothers were told only that Pete's body would be shipped to Anchorage late that afternoon.

A visit to local attorney Gary Amendola and a phone call by the attorney to the police that same afternoon secured the James family's right to immediately view Peter James' body. No mention of any legal reason why the family of Peter James could not view the body was made to Amendola. No mention of State's evidence was made. The reason given for police department obstruction of the viewing was the pain it might cause the James family. "Not being able to see my brother was more painful to me", said John James.

At 11:40 a.m. the day of the shooting, Chief Thornton told the James brothers in his office at Sitka Police Station that Peter James' name would not be released until the brothers had had a chance to notify their mother, who was recovering from an operation in a Seattle hospital. The James brothers told Chief Thornton they might be unable to notify their mother until the next day, but would call him about 5 o'clock that afternoon. Approximately 20 minutes later Peter James' name was released over KIFW radio noon news to the public.

These were only two of many incidences of police mishandling of the Peter James, Jr. case which initially gave rise to concern on the part of the James family that justice was being sidestepped in the Peter James case.

Sitka Police Corporal Dale Hanson had responded at about 7:07 a.m. on August 21st to a call received at Sitka Police Station that a man later identified as Peter James, Jr. had threatened people with a gun. That James had threatened though not shot at persons and had fired shots into the air was later substantiated in Coroner's Inquest testimony. Five miles from town on Sawmill Creek Rd. Cpl. Hanson approached to within 70 feet of James and, believing James was firing on him, yelled, "Drop it! Drop it!" and fired 2 shots at James, who fell face forward to the ground and died less than 1 hour later in the emergency roon at Sitka Community Hospital.

Two days after the shooting the James family hired a private investigator, after consultation with atty. Gary Amendola, who later filed suit against the City of Sitka on behalf of the James family.

INQUEST

To determine the facts of James' death and render judgment of "whether anyone may be guilty of a crime thereof", was the stated purpose of a Coroner's Inquest into the shooting originally scheduled for September 12th, 1979. Judge Duane Craske acting as Coroner announced to a crowded courtroom on that date that "The investigation is not yet complete", and that "A thorough, complete and fair investigation will take possibly another 2 weeks". Judge Craske singled out Alaska State Trooper Charles Miller, who was on a hunting trip at the time, as the investigator at fault for the delay. When the Inquest was finally convened by Judge Craske on September 27th, again before a packed courtroom, Miller's investigation was still incomplete. He could not answer direct questions about the amount of recoil of James' gun, though this information was easily obtained by this reporter by a phone call to a local gunshop owner. Because Cpl. Hanson based his judgment of James' having shot solely on the movement of James' hands, the possibility stated by Miller that the slide of James' gun would have to have been operated manually could also have constituted important evidence. Yet Miller had conducted no investigation and could present no evidence as to whether in fact James would have had to use his hands to operate the slide. A tape recording of a test reinactment of the shooting, done by Miller in an attempt to explain why Hanson and others failed to hear James' alleged shots, was unavailable for presentation to the jury as evidence because, Miller stated, the tape recorder had been broken at the time of the taping. When asked about the position of empty casings from James' gun, Miller could offer only speculation that the casings landed where they were found because they all bounced off James' body. He presented no evidence to support or discredit this view.

In his opening remarks to the Inquest jury, Judge Craske stated the Inquest was to be "a presentation of facts". Yet the judge allowed Miller's testimony, consisting mostly of conjecture, to be presented to the jury. At one point, Craske did interrupt Miller to ask if his testimony was relevant; Miller answered that he didn't know.

In testimony presented by Sitka Police Dept., Investigator Sgt. Steinnerd could not account for the position of James' gun, found inside his pickup after James had fallen to the ground outside. When asked by jurors why Hanson heard no shots, he replied that Hanson probably was not listening for shots. Yet Hanson had unholstered his loaded weapon and placed it in his lap before he saw James, and Hanson stated in a taped interview that his adrenalin was high because he was thinking that James had been "assaulting people with a gun".

In an attempt to find evidence corroborating or contradicting Hanson's testimony that Peter James fired his weapon holding it in both hands, the jury questioned Sgt. Steinnerd about gunshot residue tests he conducted. The Sgt. offered no conclusive testimony , saying gunshot residue was found mostly on James' right hand, but adding that James handled the gun with both hands. James was known to have normally fired using only his right hand. When asked by the jury if a hole in a 30 mph sign some distance from Hanson could have been from Peter James' gun, Steinnerd answered that it "could not be determined". But Clay Brookshire, a private investigator retained by the James family, told this reporter that the angle of the hole shows it could not have come from James' gun where he was standing at the time of the shooting.

Just after swearing in the jury, Judge Craske read Clay Brookshire's name at the end of the list of 18 witnesses, not identifying him in any other way. This was the first and last time the court heard of Investigator Brookshire, who had conducted his own month–long investigation of the James shooting and who was present in court and prepared to testify throughout the Inquest. But no balancing testimony from Brookshire was heard; only police investigators were called to the witness stand. At the close of the Inquest testimonies Judge Craske directed the jury to call any additional witnesses whose testimony they considered relevant. Brookshire, who had expected to testify, could not make himself known according to court procedures; only Judge Craske, who had read Brookshire's investigate report, could inform the jury of this potential witness. One juror, asked by this reporter after the verdict rendering whether she had had knowledge of Brookshire as a potential witness, said she had had no such knowledge.

Before calling witnesses, Judge Craske announced that the witnesses would be called in chronological order according to their involvement with James' death. However, Dr. George Longenbaugh was called to testify prior to the testimonies of four Sitka Fire Dept. and Rescue Squad Emergency Medical Technicians who rendered aid to James and transported him by ambulance to Sitka Community Hospital, where James was pronounced dead by Dr. Longenbaugh approximately 30 minutes later. The direction taken in questioning in the two taped Sitka Police interviews of Hanson and two taped interviews of assisting Officer Greg White, who arrived shortly after the shooting, had previously shown concern by Sitka Police Dept. that Hanson might be implicated in charges of negligent homicide due to his interference with the rendering of prompt medical aid to James. Judge Craske's action in calling Dr. Longenbaugh out of the judge's announced chronological sequence was crucial to freeing Hanson of this charge, since Longenbaugh's testimony that James could not have been saved due to the severity of his wound prejudiced the jury to subsequent testimony by rescue personnel that Cpl. Hanson interfered with their efforts to render aid to James, completely blocking the efforts of the first Emergency Medical Technician to arrive at the scene. Longenbaugh also testified that "a high blood alcohol" in James' autopsy indicated James was intoxicated at the time of the shooting. It is probably true that, as Judge Craske explained to the court when announcing the chronological order of testimonies, the announced order of testimony would have provided the jury a fairer, more balanced presentation of the evidence. It is probably also true that no other action taken by Craske could have prejudiced the jury's findings as much as did this disregard by the Judge of his own directions. Dr. Longenbaugh was the only witness called out of chronological order by Craske.

At one point, Craske interrupted proceedings to tell an audience member to remove his can of soda pop from the courtroom, and at another point asked a spectator to remove his hat. Yet he never asked a member of the jury who slept through more than half the Inquest testimony to wake up and listen to the evidence on which she would base her verdict.

Such contradictory actions by Judge Craske called into question, in the minds of some observers, the fairness of the Inquest proceedings directed by the Judge. The quality of the evidence, affected by the incompleteness of police investigate findings, and Craske's failure to inform the jury of potential testimony from private investigator Brookshire, also indicated to some courtroom observers that the Inquest jury's verdict, that there was no evidence that a crime may have been committed in the death of Peter S. James, Jr., should have read that no decision could be rendered on the basis of the evidence presented.

EVIDENCE

Cpl. Hanson maintains that James, standing outside his pickup between the open door and driver's seat, was shooting at him until he fell to the ground. Yet Peter James' weapon was not found in his possession when he fell to the ground. Nor was it lying anywhere on the ground or road nearby. The weapon allegedly fired at Hanson was found empty inside James' pickup truck, lying on the transmission console, slightly under the front seat. How did the gun get from Pete's hands to its position on the console? "It's a tough question to answer", State Investigator Miller told the Inquest jury. "He (Hanson) said he (James) twisted." Miller and other police investigators admitted they could give no explanation of the gun's position other than a "half turn" or twist of James' body as he was falling, which Hanson says he saw. "The weapon which I believed was in the hands of the suspect had fallen into...the vehicle", Hanson says in a taped statement. He says he saw James turn, "I believe clockwise...I think it was the turning of the body that threw the pistol into the car...It was a very slow motion." James would have to have thrown the gun into the cab behind him with some force, particularly as he fell straight forward in the direction opposite that in which he allegedly threw the gun. He would have had to avoid the open car door had he turned clockwise as Hanson suggested, or the truck body itself had he turned

counterclockwise, and then turn back around to face Hanson before falling face down. James' hands would have moved from an outstretched position pointing to Hanson, to throw the gun backwards in the opposite direction, then again toward Hanson to their final position tucked beneath James' midsection where he lay face down. Yet a witness who saw James fall from a distance of less than 100 feet testified she observed only a slight wavering of James' body before he fell straight forward. "I didn't see any gun, though I wasn't looking for one", this witness stated in an interview with this reporter.

"I didn't hear him shooting because I was busy", testified Hanson who gives the condition of his hearing as "perfect". Hanson testified James fired 4 or 5 shots "straight at me" from his position 66 feet away. Hanson was not alone in not hearing James' shots. Though the entire shooting was broadcast over Hanson's keyed-on police radio, the police dispatcher, assisting officer and many local scanners testified to hearing only Hanson's 2 shots. State and Sitka Police Investigators could not offer an explanation to the Inquest jury why James' alleged shots were not heard, particularly in light of a test reinactment of the shooting conducted at the crime scene by these investigators in an attempt to explain just that. During the reinactment, shots fired from the position James had occupied were clearly audible over the radio of a police car parked in the position Hanson's car had occupied, with the car door closed and window shut. Hanson's door was open at the time of the shooting. Police Chief Thornton and Investigator Steinnerd attempted to deny the reinactment had ever taken place, according to Clay Brookshire, private investigator hired by the James family, and would admit to it only when convinced Brookshire already knew of the reinactment. In court police investigators apologized that, because of a broken tape machine, the tape recording of the reinactment was not available for the jury to consider as evidence.

No bullet holes were found from the 4 or 5 shots allegedly fired at Hanson as he sat in his car and then stood halfway inside his car. Police investigators submitted their familiar "no explanation" response when queried by the jury regarding this gap in the evidence, striking in light of Hanson's testimony that James "was aiming straight at me" and that James' movements were "careful and deliberate". James is known to have been a good shot with a pistol. "If Pete had wanted to shoot anybody, that person would be dead now", a family member told this reporter. James received a medal for marksmanship during his service in the U.S.Navy.

Three empty shell casings from the rounds allegedly fired at Hanson were found well to the front and left of James' head where he fell. Automatic weapons such as James' eject casings to the right side and right rear. Explanation? The only speculation Investigator Miller could provide in questioning was that all 3 rounds might possibly have hit James' body and bounced to their resting places. No test of James' weapon was ever conducted to evaluate this conjecture by Miller. A Sitka gunshop owner and authority on firearms, who said he had watched shell ejection of Super .38 automatics like James' told this reporter he could not imagine the shell casings ejecting to the front or left of James. James fired his gun prior to Hanson's arrival witnesses testified.

Hanson saw no muzzle flash from James' gun he stated in Inquest testimony. In a taped interview with State Trooper Investigator Miller, Hanson stated that the only indication he had that James was shooting at him was "only the movement of his hands...That's the only physical thing I saw." In that interview Hanson also stated he never saw "a profile of the weapon", that he didn't see "the color of the gun", and that he "lost sight of the weapon" when James was hit.

What does the evidence indicate? The subjective belief of Hanson, based on the movement of James' hands is the only evidence that has appeared to this date that Peter James did in fact fire his weapon at Hanson. On the other hand, other evidence suggests that Hanson's subjective belief formed in a period of a few seconds that James was firing at him may have been wrong.

Bias in the police investigation was not confined to disregard of the evidence, but extended to an emphasis on conducting interviews which might incriminate James while failing to pursue open lines of investigation which could incriminate Hanson. In interviewing a local alcohol counselor, bartenders, fellow workers and friends of James, police indefatigably searched for evidence that James was in a severe state of depression, had had past trauma which could predispose him to shoot at someone or was an alcoholic or used drugs. Three volunteer alcohol counselors have had their names removed from the crisis line as a result of police questioning of one counselor in violation of counselors' anonymity. Just hours after Peter James' death Chief Thornton asked James' brothers if he had belonged to any radical groups or been an active member of A.I.M. In interview after interview police sought to establish the motive which was never found – in fact, police interviewed nearly every person they could find who had had any connection with James. Yet lines of inquiry which could have suggested James' innocence were ignored – for example, no attempt was made to determine whether James had experience and knowledge of his weapon, which he had, or whether he was a good shot, which he was according to friends, acquaintances and family members. This line of questioning would have made James' alleged 4 or 5 complete misses of Hanson and his police vehicle appear less likely. More incriminating to the Sitka Police Dept. itself, police failed to interview or arrange to interview 2 crucial eyewitnesses to part of the shooting who remained at the scene of the shooting for 20 minutes assisting officers in directing traffic. Asked why he didn't come forward with information until located by the private investigator, one of the eyewitnesses replied, "Because I was never contacted. I didn't think anyone cared." These 2 crucial eyewitnesses whom Hanson actually had to wave away from the shooting, were ignored by police until more than one month after the shooting and 2 weeks after a statement by Police and Fire Commission member Bill Winop, published in the September 12th Sitka Sentinel that "The City's investigation is complete". Both eyewitnesses failed in court to corroborate Hanson's account of a twist in James' body as he fell, in which he supposedly threw his gun. Neither of the eyewitnesses, who approached to within 100 feet of James before watching him fall according to information given this reporter, saw a gun in James' hands, according to their Inquest testimonies.

Physical evidence from the James shooting, the character of the police investigation, and the quality of the evidence on which the sequestered Inquest jury based its decision, call into question whether Cpl. Dale Hanson may have misjudged the amount of real personal danger to himself from Peter James. Yet, inspite of the fact that Hanson heard no shots, bullet whines or ricochets, did not see a muzzle flash, could not tell the color of James' gun, never saw a profile of the weapon, and did not see the gun leave James' hands, Hanson maintained in his Inquest testimony that he believed James shot at him 4 or 5 times, basing his judgment on the steadiness of James' movements, the movement of James' hands and Hanson's own belief that "I know when I'm being shot at", due to his prior extensive military combat experience. "It was kill or be killed at that point", Hanson said in his testimony.

When asked by Judge Craske, "Could you have ducked behind the steering wheel?" Hanson's reply was, "No, because then he could've walked up on me". Yet, in other testimony Hanson stated, "I was behind cover", and he was careful to point out to the jury that he had placed himself at a tactical advantage with respect to any potential gunfire exchange. In Hanson's earlier taped interview with State Trooper Investigator Miller he stated that he had parked his car "at an area that was far enough away that I wouldn't be committed directly and immediately, that I had some options...He (James) was at a disadvantage as it turns out." Hanson denied however that he could have refrained from shooting and waited for help from the assisting officer, who arrived 1½ minutes after the shooting. "My only mistake was in not shooting sooner", Hanson said.

Dispatcher Loper's police report states that "It should be noted that while the Security Guard was on the phone Loper asked if the man had actually pulled the trigger or just waving it, and the guard stated, 'No, just waving it'." Hanson was present at the station with Loper as Loper took the call. In court Hanson said that he heard the call as a report of a man "assaulting other people with a pistol", and that he had fears that James might try to ambush him. On a tape in court of Hanson's radio conversation as he responded to the call, Hanson's voice sounded wavering and tense.

Hanson stated in a taped interview, "I'm an excellent shot", yet he did not shoot to wound Peter James, but aimed "for the center of mass." Hanson's weapon was a .357 magnum. He used hollow point ammunition, a round designed to kill rather than wound.

In addition to questions concerning the shooting itself exists a question of Hanson's guilt in blocking medical aid to James. Hanson initially thought James was dead, then realized he was breathing. According to the taped statement of Officer Greg White, Hanson told White that "the suspect was still alive and breathing", when White arrived on the scene. At that time Hanson accompanied White to James' body and watched as Officer White took a pulse and determined for himself that James was alive. The next person to arrive on the scene was Emergency Medical Technician Roy Arvin, whose emergency electronic pager had advised him of the shooting. Arvin testified unter oath that Cpl. Hanson told him James was dead. Arvin attempted to approach James to himself determine Pete's condition. Hanson told Arvin not to go near the body because he might disturb the crime scene. "I wasn't allowed to get close enough to even touch him", Arvin stated in an earlier taped interview. In Inquest testimony Arvin stated, "He told me he was dead. Officer White didn't appear to disagree, so I just took it at face value." Hanson knew Arvin to be an E.M.T. and a member of Sitka Fire Dept., Arvin testified. Morris Brown, member of the ambulance squad and next to arrive, testified Hanson at first told him James was dead, then said he thought he was dead. Hanson did not prevent him from approaching James, Brown testified. Other rescue personnel then arrived on the scene and James was transported by ambulance to Sitka Community Hospital where he died.

Widespread misapprehension of the Peter James case in the community of Sitka began with the Sitka Daily Sentinel, only newspaper published in Sitka, when its original article on the shooting published August 21st said James died in a "shootout" though James was never proven to have fired at Cpl. Hanson. In a 6–column article on the Inquest into the shooting dated September 28th, the Sentinel quoted only testimonies favorable to Hanson. In the same article it was falsely reported that 2 eyewitnesses corroborated "Hanson's account" of James' fall to the ground; in fact, both eyewitnesses said they didn't see any twisting or turning of James' body as he fell. Hanson said James must have thrown his gun into his pickup during a twisting of James' body which Hanson said he saw.

It was believed by some observers that the Daily Sentinel went out of its way to cast Cpl. Hanson in a favorable light, causing unjustified harm to the reputation of the deceased Peter S. James, Jr.

Police reports, evidence uncovered by the private investigator, and conflicting stories of the shooting incident all contributed to his decision to consider recommendation of a lawsuit against the City, atty. Gary Amendola said in an interview with this reporter. He said the lawsuit was considered "well before the Coroner's Inquest", but that the Inquest was "the straw that broke the camel's back" because of the unfair and incomplete picture it presented of what happened. The claim brought against the City and Borough of Sitka states in part: "It is believed Peter S. James, Jr. was unarmed at the time he was killed by Dale Hanson...The City and Borough of Sitka, its officers and employees knew or should have known that Officer Dale Hanson was a person likely to cause one or more unnecessary deaths while acting in his capacity as a police officer..." "I think Hanson misperceived the whole thing", the atty. told this reporter. He said that prejudice was not a major legal issue in the case, but that the Peter James case "typifies the situation in Sitka that has been going on with the police force" and Native people. The purpose of the suit, Amendola said, was both to show fault on the part of the city, "and to clear Peter's name".

Contributions may be sent to:
Committee for Peter S. James
Box 4337
Mt. Edgecumbe, Alaska 99835

Native Nations & World Community

The '80s promise to be a decade of increased international contact and exposure for many of the Native nations in North America. During 1980 alone, there are several major international meetings and conferences scheduled to have Native delegations participating. These forums will afford Native peoples a direct access to such international institutions as the United Nations, as well as creating international consciousness about the nature of the struggles being waged by many Native nations.

Native participation in international events is not something new. Native people's international efforts have a long history going back to the first contacts with Europeans. Many of the treaties negotiated by Native nations stand as fine examples of the diplomatic skills and international consciousness held by Native peoples. In reading any major treaty it would become clear that most Native nations held well defined understandings of themselves as sovereigns dealing with other sovereigns.

There has been a lull in Native international work. This lull has occurred for several reasons, the major one being U.S. and Canadian oppression of the Native nations and peoples. During the course of this oppression many Native peoples lost their identity, their self–esteem, and in doing so, lost sight of themselves as significant members of the world community. Both the U.S. and Canadian governments have done everything possible to reduce the Native people's self-concept of independent, self-reliant people, to one of dependent wards of either government.

Some Native nations did not allow this process to overpower them, particularly those with strong Traditional governments like the Haudenosaunee (Iroquois Confederacy) or the Hopi Nation. Both of these Traditional governments have continued to see themselves as members of the world community, and from time to time have sought to bring international attention to the struggles they are waging.

During this century, both the Haudenosaunee and Hopi have continued to exert their independence of the U.S. and Canada. In 1923, Cayuga chief Deskaheh journeyed to Geneva, Switzerland, in an attempt to get the problems of the Haudenosaunee placed before the League of Nations. He was unsuccessful in this attempt, and died in exile because of Canada's refusal to allow him to return to his home in the Ohsweken territory.

During the 1960s, both nations repeatedly sent delegations to international conferences and meetings, and in both cases, issue their own passports for their people's international travel. To date, these passports have been afforded differing degrees of recognition by 12 countries, including U.S. and Canada.

During the 70s, international attention came to the Native peoples in their own lands. During Wounded Knee II, every major international news agency and wire service sent stories around the world about the battle between the Lakota and the U.S. police forces. Film crews from many countries have come to produce documentaries, TV specials and movies about the Native peoples and nations of North America

During 1977, there were three major international conferences concerning Native peoples. The first was Barbados II that brought together Native delegations from throughout the entire Western Hemisphere. Next was the second meeting of the World Council of Indigenous People in Kiruna, Sweden, bringing together indigenous peoples from many lands throughout the world. Finally, there was the Non–Governmental Organizations of the United Nations conference on "Discrimination Against the Indigenous Populations of the Americas", held in Geneva, Switzerland.

These three meetings stand as a clear signal of Native people's renewed commitment to once again resume their place in the world community. These three meetings provided a format through which intensive dialogs occurred, amongst indigeous peoples, about the nature of their struggles and oppressors. From these meetings came a unified sense about the directions needed and the work necessary to achieving justice within the societies each group was faced with. These meetings signalled to the world that Native peoples and nations were no longer content to try and find remedies to their problems within the oppressor states that surrounded them, and mark their re–emergence as peoples struggling to keep their cultures, nations and Ways of Life alive. It also indicates a new level of understanding that Native nations and peoples have come to about their responsibilities to insure a strong future for their coming generations.

Native peoples' re–emergence in to the international arena also brings with it several problems. The first being a problem of image. For North American Native peoples this takes the form of the hundreds of cowboy and Indian movies that have been made, or the romanticized stories of the "Old West" that have been popular and published in many languages. These presentations have frozen Native peoples into particular time frames, and many non–Native people are disappointed when they don't find tipis or "savages" on horseback.

Because of the media's presentation of the "conquest of America", many people have never realistically fathomed the full extent of the oppression of the Native nations and peoples. Racist anthropologists, ethnologists, and other "ologists" have also made an enormous contribution to these distortions of truth and history.

With non–Native people's vision of Native peoples frozen to a particular period, they also fail to see the enormous changes forced on the Native societies by the settler regimes occupying their lands. Failure, on the part of the world's people, to see through the distortions and mystifications perpetrated by the oppressive regimes has aided these regimes in seeking legitimization for their occupation of Native lands and oppressive treatment of the indigenous populations.

One of the first jobs Native delegations have to undertake is changing these false images, and presenting an accurate and true picture of the nature of their struggles. Fortunately, international understanding about the nature of the settler regimes has been greatly sensitized by the struggles of South Africa and Zimbabwe. This has made it easier for the world community to understand the minority white regimes in control in such countries as Bolivia, Peru, or Guatemala. It has taken the world community a little longer to see these same parallels in the cases of Canada and the U.S.. The fact still remains that vast areas of the U.S. and Canada are illegally occupied or claimed by these two countries.

The illegality of these cases arises from the treaties signed between Canada or the U.S. and Native nations. The 1784 Fort Stanwix Treaty between the Haudenosaunee and the U.S. guarantees a vast area (Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, and parts of other areas occupied by different states) to be the territories of the Haudenosaunee for ever. The same is true with the 1868 Fort Laramie Treaty between the Lakota and their allies, and the U.S.. There have never been treaties of equal force that ever diminished these territories. U.S. possession occurred through a process of encroachment by illegal settlements, and continous states of armed conflict.

In Canada, the situation is much the same with one major difference. Almost the whole of the northern half of Canada has never been treatied for. This gigantic area is still an area colonized for England by it's colonial administrators in Ottawa.

Both regimes have consistently passed laws, developed policies, or fabricated lies to rationalize their presence in North America. Today that presence is being challenged. The challenge continues to come from those Native nations who have never given up their belief in themselves as "nations".

The leadership of this challenge continues to come from the Traditional governments who have refused to cease existing. These governments have resisted the many repeated attempts that have been made to abolish them. In 1924, both Canada and the U.S. passed arbitrary citizenship laws in an attempt to de–nationalize Native peoples. Canada also began a systematic process of replacing Traditional governments with "band councils", as the only forms of Native political organizations they would recognize. The American version of these puppet regimes came ten years later with the passage of the "Indian Reorganization Act".

The true purpose of both of these acts was to create regimes in Native nations that would carry out the biddings of Washington and Ottawa. Some, like the Navajo Tribal Council, were simply created for the purpose of selling off Native natural resources. In some areas, such as Akwesasne or Hawaii, Traditional leaders were jailed or assassinated when they resisted this incursion.

The Traditional Native peoples have never forgotten these events. Many events are so recent that they stand as constant reminders that neither the U.S. or Canada will ever be content in their occupation of North America.

The legitimate leadership of this resistance lies with the Traditional governments and peoples. They continue as the direct heirs of a history of struggle and survival. It is appropriate that these governments are now moving about international circles lobbying for support and making linkages with those nations who can help to bring light on the situation threatening Native peoples in North America.

There will undoubtedly be a period of time during which individuals will try to claim that they are representing the interests of Traditional governments, or that there is some form of centralized control through which these interests should be presented.

NATIVE NATIONS CON'T ON PAGE 35

Maine: Nothing But A Money Grab

(and it's not the Indians who are doing the grabbing.)

The proposed Maine Indian land claims settlement has been touted by the *Christian Science Monitor*, a national magazine, as the "Biggest Indian victory since the Little Big Horn". Proponents of the proposed settlement claim that it will create a new economic relationship between the Indians of Maine – at an average $3,000 per year income per family the poorest minority in the state – and the rest of the state's population. A $27 million development fund, they say, will be used to create jobs. Critics of the settlement point out that the Maine Indians are giving up more than they are getting under the terms of the settlement, that the fine print in the settlement proposal actually opens them to future exploitation by the state of Maine and logging companies, and, worst of all, under its terms they are surrendering most of their rights as Indians. In addition to those disagreements, the biggest hurdle has yet to be cleared – Congress is expected to reject the $81.5 million settlement as too high a price to pay to correct the legal errors (read injustices) of nearly two centuries.

The Maine Indian land claim came to light in 1972 when the Passamaquoddy Indians approached the Interior Department with a request that Interior file a lawsuit on their behalf against the State of Maine. They claimed that the Commonwealth of Massachusetts had cheated them out of most of their lands and that in doing so Massachusetts had also violated a 1790 federal statute which prohibited states from entering into land deals with Indian nations in the absence of federal participation. (The state of Maine was later created out of lands which were originally part of Massachusetts.)

Federal officials weren't interested in pressing a lawsuit on behalf of Maine's Indian plaintiffs. In the summer of 1972, the Passamaquoddy tribe filed suit in federal court to force the Interior and Justice Departments to protect their rights. National attention focused once again on the Maine land claims on February 11th, 1975, when the District Federal Court in Portland, Me., ruled that the Passamaquoddies are in fact entitled to protection under a "trust relationship" and that the Interior Department has a responsibility to take at least some steps to protect their interests. That ruling impacted the State of Maine in September of 1976, when the Boston firm of Ropes and Gray failed to give legal clearance for a $1 million sewer bond issue for the town of Millinocket because of the land claim. Since that time, the federal government has made every effort to avoid litigation on behalf of the Indians of Maine and has sought a negotiated settlement which would quiet title to the 12.5 million acres under question.

The federal government has used its good offices to exert a considerable amount of pressure against both the Indians and the State of Maine. Federal officials have privately and at negotiation sessions threatened the State of Maine officials with a lawsuit in order to bring them to the bargaining table. At the same time, they have privately expressed to Indian bargaining agents that the federal government did not actually intend to pursue a lawsuit, and have been urging the Indians to come quickly to an agreement because a federal court was expected to extinguish Indian rights under the federal trust theory (See *U.S. vs. Mitchell* elsewhere in this issue).

The results of those maneuverings has emerged in the form of a proposed settlement which appeared earlier this year. Under its broadest terms, the proposed settlement would require that the U.S. government spend $81.5 million to purchase lands and to set up trust funds and the Maliseet, Penobscot and Passamaquoddy Indians would give up all claims to lands in Maine and would surrender practically all of their rights as Indians under federal law. In practical terms, the settlement would cost the State of Maine almost nothing.

In its specific terms, the proposed settlement should be disappointing indeed to Maine's Indians. The two Indian groups who are the major "beneficiaries" are the Penobscot Nation and the Passamaquoddy Tribe. For all practical purposes, the monies which are to be used to pay the settlement costs are to be divided equally for the benefit of these two Indian peoples.

The terms by which the monies (the proposed $81.5 million) will be spent set the tone of the nature of the settlement. According to the terms of "The Maine Indian Claims Settlement Act of 1980", the $81.5 million will be spent as follows: $27 million will be held in "trust" for the "benefit of" the two nations, $54.5 million will be used to purchase lands to be held by the Secretary of the Interior for the benefit of the two nations, and $.9 million will be used to purchase lands for the benefit of the Maliseet people.

The press has not been careful to explain that the Penobscots or the Passamaquoddies are not to be awarded money, but to be awarded the *interest* of these monies. Of the $27 million held in trust for the Penobscots and Passamaquoddies, $2 million ($1 million each) will be set aside, the interest of which will be earmarked to benefit the elderly. So each nation's share of the proposed settlement is to be the interest from $12.5 million held by the federal government in trust – which is not free money to do with as they wish: the Act has restrictions on how it can be spent, and any expenditure of the interest money must be approved by the Secretary of Interior – plus the interest of $1 million to be programmed for the benefit of the elderly, plus whatever benefits from lands which the federal government will buy for a total of $27.25 million for each nation.

If current federal policy prevails (and it probably will), the $12.5 million share for each nation will probably be invested by the federal government, ostensibly for the benefit of each of the two major Indian nations. At the present time, 7.5% is the average figure for return on trust investments made by the federal government for Indians. That means that the Tribal government would each receive about $937,500 per year which could be used to create jobs and strengthen the tribal government.

Unfortunately, not all of the $937,500 will be available for that purpose indefinitely. According to the terms of the proposed settlement, each of the Indian nations will be liable to pay monies "in lieu of taxes" on all their personal property, including the properties on the present reservations. Other sections of the Maine Indian Claims Settlement Act of 1980 provide that monies in lieu of taxes will be assessed against the Penobscots and Passamaquoddies on the lands to be purchased under terms of the proposed settlement. The State of Maine will be able to draw tax monies out of those "trust" monies which the Secretary of the Interior controls, including the interest monies from the $12.5 million each tribe will have rights to.

Maine actually expands its tax base as a result of the proposed settlement. The settlement guarantees that Maine will receive monies equal to the tax monies that it formerly received on the lands which the Secretary of the Interior will purchase, and it will receive monies in lieu of tax monies on the reservation lands and properties of the Passamaquoddies and Penobscots – lands which until now were tax exempt.

In addition to tax monies which Maine does not now receive, the proposed settlement provides that Maine will have full jurisdiction over the Penobscot and Passamaquoddy people and their lands in many areas, including civil and criminal jurisdiction and hunting and fishing jurisdiction. Penobscot and Passamaquoddy lands will become, in effect, municipalities.

The proposed deal does not transfer lands into the hands of the Maine Indians. It provides that the Secretary of Interior will hold some 300,000 acres of land in trust, and that the Indians will be entitled to the monetary benefits derived from those lands.

The money – $54.5 million – will go to present landowners in Maine. It will mean that the federal government will pay about $181 per acre for land – the fair market price. The major beneficiary of this land purchase will be a company called the Dead River Company which has put up 129,000 acres (nearly half of the total) for sale at over $23 million.

The Dead River Company is a central figure in the Maine Indian claims matter. The company is named in a document entitled the "Woodlands Management Agreement", under which Dead River will be contracted to manage the woodlands for the Passamaquoddy Tribe and the Penobscot Nation. The *Christian Science Monitor* reported that the Dead River Company was chosen to manage the woodlands because the Penobscot and Passamaquoddy tribal leaders like the company's ecological consciousmess in cutting timber and the use of pesticides.

Ecological ideologies aside, the "Woodlands Management Agreement" is legally a cut–and–run contract under which every incentive is present for the company to cut as much wood as possible within ten years and to get out. Furthermore, the contract provides that the Indian share of the revenues will pay for such things as roads, buildings and equipment. It's a pretty good deal for the Dead River Company.

Under the terms of the contract, it is not hard to imagine that for the next ten years the Indians will stand by and collect a few dollars while the Interior Department watches the Dead River Company exploit the forest lands to the last nickel. Ten years from now it seems likely that the Interior Department will be trustee over essentially taxable lands which are held by the federal government (in trust for the Indians) and which cannot be taken by the State of Maine. The lands can't be taken for tax purposes, but the income from the trust can be used for that purpose, and fairly certainly will be. The Maine Indians, at that point will be left with little money from the trusts and no control over their lands.

The Dead River Company stands to be the major beneficiary of the largest federal pork barrel to reach Maine in recent years. Even an aide to former Senator Muskie was quoted in the *Christian Science Monitor* as saying, "This could be seen as nothing more than a money grab."

The propaganda surrounding the proposed settlement which circulated among the Indian communities raised strong expectations among the elderly that they would reap substantial benefits in terms of monthly payments. That expectation is certain to meet with disappointment. Using the Penobscot Nation as an example, we counted about 100 Penobscot members over sixty years of age from the 1980 census. A million dollars invested at 7.5% interest will produce some $75,000. That means that payments to the elderly, assuming *per capita* payments are enacted, would produce $750 per year per individual, or approximately $62.50 per month. There is nothing in the proposed law that guarantees that this money cannot be deducted from people's social security or welfare income.

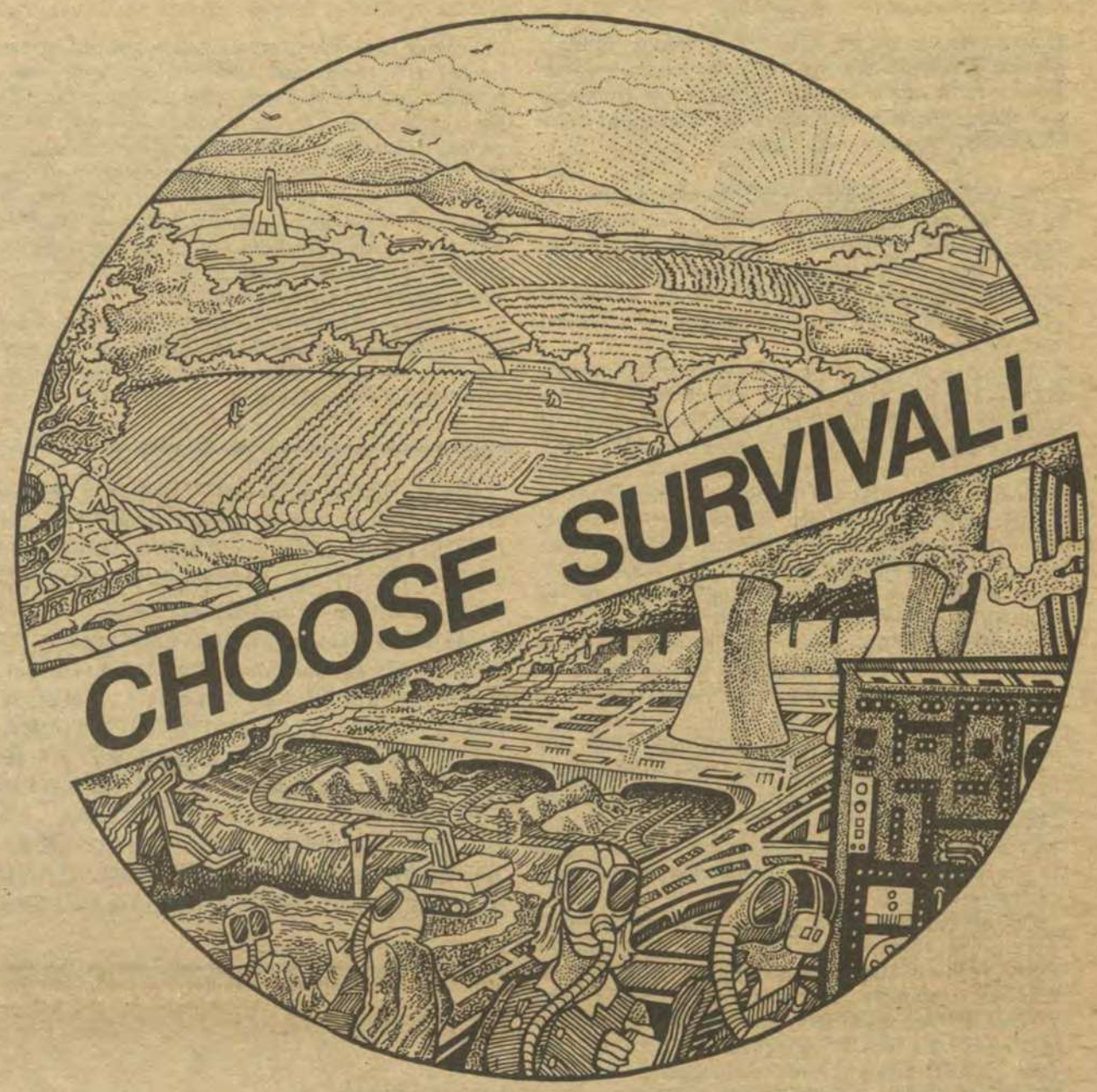
Curiously the proposed Maine Indian land claim settlement was announced to the public on the same day that U.S. President Carter announced intended cuts in federal spending. Washington officials have let it be known that the passage of a bill providing for an $81.5 million settlement is unlikely. Opponents of the proposed settlement among the Penobscot people have stated that NO settlement would be a better settlement than one which surrenders all of the Penobscot legal rights as Indians. The Passamaquoddies and Penobscots are faced with the growing realization that they have practically no allies who are even remotely interested in promoting their rights among Maine's politicians or in the federal government. Recent disclosures about the funding sources of the Native American Rights Fund, their law firm, should raise doubts about whether even their advocates are fully committed to the exercise of their rights (See *Akwesasne Notes*, Early Spring 1980, page 7).

The Maine Indian Claims Settlement Act of 1980 should come before Congress in June. Various observers have commented that the settlement could become a model for other Non–Intercourse Act cases which are presently pending in New York, Louisiana and South Carolina. The Act is given slim chance of passage before Congress. Whatever the outcome, the process is certain to add another chapter to the continuing history of dishonor which characterizes U.S. Indian relations. The story of the alienation of lands and the destruction of the Penobscot and Passamaquoddy peoples as peoples will not end this June.

John Mohawk

OUR ELDER BROTHER – THE SUN

(This article reprinted from the October 1979 issue of **Native Self-Sufficiency**, P.O. Box 10, Forestville, Calif. 95436. Published 6 times a year. $6. year individual, $15 for institutions and businesses, $10 U.S. for foreign subscriptions.)



Since the beginning of time, our Elder Brother, the SUN, has greeted us each morning in the East. He brings warmth to our bodies and our Mother Earth until nestling into the western ocean in the evening. The morning bird's song and the rooster's crow are our daily reminders of the animal nations' affection for the SUN. Among our plant relations, the California poppy and the sunflower embrace the morning rays.

Our people, too, acknowledge the power and spirit of the SUN. Traditionally, we have used it to heat our bodies and homes, dry our clothes, grow and preserve our foods, provide for our health and show us the four directions. Our homes and many of our communities were built to assure maximum orientation to the SUN. Many of our people have songs, dances and ceremonies to honor the SUN. Many of us still offer Him our greetings and thanksgiving each morning and evening. Our Elder Brother offered all these things to us and His offer is still good.

In this issue, we want to talk to you about the use of solar power. The SUN can heat and cool your home, provide hot water, produce electricity, extend the growing season and provide nutritious food through the use of solar greenhouses and even cook your dinner. Also, the SUN is dependable and abundant (you never run out of it), it's clean unlike other energy sources and free from environmental degredations. There is already a village, Schuchuli, on the Papago Reservation, that receives all its electricity from the SUN. Other tribes are also talking of becoming energy self–sufficient with solar power playing a key role in these plans.

If solar power is so good why have we not seen a greater utilization of it? In short, utilities and the oil companies have not yet figured out how to make a profit off the SUN. Solar power is a decentralized technology that lends itself well to individual or community construction and control whereas the utilities and oil companies (which increasingly own the coal and uranium resources that produce our electricity) have enormous investments in centralized facilities and elaborate distribution systems. Despite the tremendous costs for the construction and maintenance of such facilities, the oil and utility companies continue to reap large profits. Unfortunately, from their point of view, the SUN shines on everyone. It's pretty difficult to make a profit off an energy source that is available to everyone ... but they are trying.

The federal government and the National Aeronautics and Space Administration (NASA) are proposing to orbit 274 gigantic solar satellites with a surface area of 35 square miles each which would convert the sun's rays to microwaves and beam them back to earth receiving stations, each of which would cover a surface area of 50,000 acres. The ground stations in turn would convert the microwaves to electricity and plug it into the existing company power lines. Not only is the project outrageously expensive, it amounts to a flagrant boondoggle to financially rescue the faltering aerospace industry and centralize control over solar power.

Instead of coming out foursquare for the development of small scale locally controlled solar projects, the United States government has been proposing high technology applications like solar satellites or most recently, the massive development of synthetic fuels. The American public, upset with the high price for home heating oils, gasoline and the long gas station lines, has been pressuring the US Congress to do something. President Carter, attempting a bold new initiative to bolster his sagging image, announced his new energy plan for independence after ten days of consultation at Camp David with what he called "a cross section of American leaders". Notably absent from the confab were representatives of any of the energy resource tribes or western states that are expected to fuel the synthetic monster. The US Congress not wanting to be outdone by a President they consider an amateur, announced their blanket support for the massive development of synthetic fuels at the cost of many billions of dollars.

Just what are synthetic fuels and why is the American President pushing so hard for their development? Synthetic fuel or "synfuel" refers to a gas or liquid (sometimes a premium solid fuel) derived from coal, oil shale, tar sands, peat or biomass. Synfuels have been known about for years. The Germans had developed a small synthetic fuel industry between the world wars due to their lack of access to oil. Alcohol powered cars used to be produced in the United States. Today, many of the exotic race cars are using alcohol and in the American midwest, gasohol. a mixture of gas and alcohol derived from corn, is becoming increasingly available. According to an article in "Science" magazine, the major energy corporations would not produce synthetic fuels as long as they could get greater profits from oil, coal and uranium. Enter the American President and Congress. Their proposed synfuel's subsidies would take the risk out of the investment for the energy corporations and allow them to continue their record profits. Instead of just hitting the people at the gas pumps, they would also hit the US public through the tax dollar. The technology for the conversion of oil shale and coal to liquids has not been demonstrated on a commercial scale. Although the production of alcohol from renewable resources like wood and corn looks promising, the production of corn on a scale necessary to fuel the American energy appetite could severely deplete the soil of essential nutrients thereby ruining it for agriculture. The conversion process also requires enormous amounts of water which in the arid West can only be taken from the agricultural sector or tribal allocations. The salinity of Western rivers will also increase as this processed water is returned to the streamflows, also causing potential harm to agriculture. The large scale development proposed will cause a marked increase in Western coal mining (a 150% increase over present levels) with concomitant disruption of aquifers, destruction of agricultural and grazing lands and wildlife habitat. The products, byproducts and emissions also threaten human health and agriculture due to the presence of carcinogenic (cancer–causing) and toxic materials. Synfuels also are the most intensive generators of carbon monoxide which would tend to increase the greenhouse effect in the earth's atmosphere which can adversely affect the climate.

Contrary to public thought, a crash program on synfuels will have no impact on gas lines or gasoline production. It will take five to ten years to build most oil shale and coal plants. Most synthetic fuels will not even go into the transportation section but rather be used as an alternative boiler fuel. Don't expect to run your car on oil shale or coal fuel in the near future.

The US Congress and President want to make it look like they are doing something about the energy crisis. The energy companies want to maintain their control over energy resources and maximize profits. Both the government and industry have a commitment to high technology solutions to our energy needs. At present solar power does not lend itself well to the desires of government or industry. But the energy crisis is real. We need to move ahead on our own to begin to bring our Elder Brother, the SUN, back into the life of our communities.

Traditional Indian Health & Nutrition

by Ray Obomsawin

Even as the heavens are populated by millions of stars, planets, moons and systems – all under precise law – so too our earth with its teeming diversity of plant, animal, and human life finds itself placed and maintained under established, inviolable natural laws.

To a great degree, these laws and the related balance(s) of all the components in nature were the daily science of Indian peoples. For thousands of years North American Indians understood in both theory and practice, such principles of modern plant and nutrition science as photosynthesis, and the body's necessity for mineral trace elements.

The Native North American, by virtue of his primary culture and life–style, was an expert at identifying, gathering and utilizing the edible and healing plants of his environment. Through successive generations this traditional knowledge of plant usefulness grew and expanded. Only with the intrusions of the European settlers, with the impositions of a foreign lifestyle, was this vital knowledge all but wiped from the Indian mind. In the powerful encroachments of techno–materialistic Euro–Civilization, *Indian self–sufficiency with its "natural" culture was supplanted by a new and ultimately damaging dependence on alien ways and goods.* Today the Indian people pay an enormous price for many of the things that the white man offers.

About the year 1800, the height of the average European male was roughly 5'2" tall, while the agricultural Iroquoian male of that same period averaged in excess of six feet. In Europe throughout the long "Dark Ages" period, whole populations were decimated by the ravages of divers plagues and other diseases while in the pre–colonial Americas *infectious and chronic disease was virtually non–existent.*

Out of well over 30,000 catalogued diseases, only 87 were known to exist, and then only rarely among the Indian people of this continent. Why the vast difference? It is an inescapable conclusion that the almost total absence of fresh fruits and vegetables in the European diet must have been a major critical factor. Dried (and later refined) grains (bread), domesticated meat and dairy products were their primary food staples.

The Indian person of today should be justifiably proud of the enormous contributions his ancestors made to the knowledge, science and health of the world, in the fields of agriculture and nutrition.

In the Americas under Indian agriculture originated a most wonderful variety of food stuffs. To name only a few of the major products of cultivation – potatoes, tomatoes, cucumbers, peppers, lima and kidney beans. In the tropics we find the pineapple, persimmons, mangos, avacado, papaws, cassava, vanilla, cocoa, and cashew nuts.

Agricultural science in many areas utilized modern day farming techniques including fertilization, irrigation, cross breeding, and crop rotation.

Many other foods commonly eaten today were gathered directly from the land. These included onions, currants, rosehips, strawberries, blackberries, blueberries, raspberries, artichokes, garlic, asparagus and sunflowers.

Alma Hutchens in her standard work on *Indian Herbology of North America* states: "Our original Americans
forests, plains and coastal regions, and existed festively for many generations. Depending on the area. . . . berries of all kinds were eagerly gathered in the spring and eaten by everyone as a spring medicine . . . . and as a general blood builder."

"Cranberries were a favourite autumn food and were also considered as blood and liver boosters . . . . nuts were a main source of high nutrition and they used them for making nut bread or crushing them and adding water for nut milks. Acorn and dandelion roots were roasted, pounded and sprinkled over other cooked roots. Pond lily roots are one of the most widely known food roots on the continent, and were eaten from eastern Canada to the Pacific Coast. Milkweed roots were gathered while the dew was still on the leaves, and a root sugar prepared from them. The white portions of hardwood ashes were used for salt. Apples and other fruits and vegetables were stored in barrels and buried in winter pits. Some were sliced, strung and dried for later use.

. . . *Man esteems himself happy when that which is his food is also his medicine.* The Indians at one time were a people of complete accord, for they practised it daily in many ways," writes Hutchens.

"ONLY WITH THE INTRUSION OF THE EUROPEAN SETTLERS, WITH THE IMPOSITION OF A FOREIGN LIFESTYLE, WAS THIS VITAL KNOWLEDGE ALL BUT WIPED FROM THE INDIAN MIND. IN THE POWERFUL ENCROACHMENTS OF TECHNO–MATERIALISTIC EURO–EVILIZATION, INDIAN SELF–SUFFICIENCY WITH ITS 'NATURAL' CULTURE WAS SUPPLANTED BY A NEW AND ULTIMATELY DAMAGING DEPENDENCE ON ALIEN WAYS AND GOODS. TODAY THE INDIAN PEOPLE PAY AN ENORMOUS PRICE FOR MANY OF THE THINGS THAT THE WHITE MAN OFFERS."

Virginia Scully writes that: "When the Indian traveled. . . fastened before him was. . . hardtack to be eaten with his pemmican, a cake made of ground meat and dried berries."

"The Indians used berries and fruits generously, drying quantities for winter. Their teas were delicious and when on the trail, they did not drink questionable water but boiled it, tossing in a bunch of herbs they had brought with them to make a tea. Their honey sweetened fruit drinks (always non–alcoholic) were delicate and cooling. For all this, they gave thanks..."

Referring to the agricultural Indians of southwestern North America, historian Wharton James wrote in 1908 that "before the Indian began to use the white man's food, (he) was perforce compelled to live on a comparatively simple diet. His choice was limited, his cooking simple. Yet *he lived in perfect health and strength. . . he attained a vigor, a robustness, that puts to shame the strength and power of civilized man.* . . The Indian living his simple life, was compelled to be content with the maize, beans, pumpkins and melons of his fields, the peaches of his orchards, the wild grass seeds, nuts, fruits and roots he could gather and the products of his traps, or the chase."

An article taken from *Akwesasne Notes*, Early Autumn 1973, states that "A University of New Mexico School of Medicine survey has discovered that malnutrition among Indians of that state would not exist if Indians were eating their traditional foods." In the same article we find that *"medicine people say that a return to the foods that belong here, and are given by the creation, will return native people to a new strength."*

The contemporary writings of Dr. Otto Schaefer clearly confirm that for the Indians and Inuit of Northern Canada, the same principle of better health through traditional food superiority holds true.

Early contact historians suggest that as a rule Indian people ate their food as close to the natural state as possible. It is fair to conclude from all evidence that a very high proportion (up to 80%) of foods were eaten without cooking. Of course this practice was more common in the summer and fall.

Ellen White, a nutrition expert, once wrote "much cooking has filled the world with chronic invalids." Herbert Shelton (Ph.D.) has this to say: "Man alone, of all creatures on earth, resorts to the black art of cooking to spoil the products of nature before he introduces these into his digestive tract."

"The chemical effects of cooking have been thoroughly studied and it is well known that cooking is destructive of food values. Cooking coagulates proteins, deaminizes some amino acids, caramelizes sugars, breaks up fats into free fatty acids, destroys vitamins and enzymes, chemically renders mineral salts non–usable, leeches substances from foods, makes most foods less digestable, and alters their taste, rendering most of them unpalatable." His thesis is that "living foods" are crucial to sustain the highest level of physical life."

Dr. Weston Price, a Cleveland dentist, one of the world's great nutritionists, author of the classic *Nutrition and Physical Degeneration,* travelled the breadth of the earth studying the eating habits of primitive peoples. He conducted comparative studies on their teeth, dental arches, bone structures, etc. and was amazed at their freedom from disease, their energy, vitality, endurance, and their length of life. His worldwide research which included isolated Indian and Inuit people in Canada, *overwhelmingly confirmed that unprocessed foods, close to nature, is the elemental key to preventing all forms of physical and mental degeneration.*

Paul Bragg, an osteopathic physician and physical culturist, commonly called "The healthiest man in America," conducted similar research throughout this century, confirming Dr. Price's findings. (Unfortunately

INDIAN HEALTH CONT'D NEXT PAGE

Raymond Obomsawin is a 28 year -old Abenaki from the Odanak Indian Reserve in Quebec, midway between Montreal and Quebec City.

He has done post-graduate studies in herbal and traditional therapies.

Dr. Bragg, aged 98 years, was recently killed in a surfing accident in Hawaii). He synopsizes his conclusions as follows: "My own researches among primitive people living away from civilization parallels that of Dr. Price.

"I found all types of people living in all sorts of climates who were disease free, vigorous at advanced ages, with powerful bodies, perfect teeth, eyes, ears and vital organs."

". . . The diets of these primitive peoples showed wide variety but they all had an important nutritional factor in common. They ate foods which were natural to their particular environment."

"All the food of these primitive peoples were grown in nature's way . . . free from artificial commercial fertilizers, poisonous sprays and pesticides. *They ate no canned or processed. . . foods.* Except for raw milk drinkers, very few of those studied used dairy products. . . and their cholesteral count was low . . . they did not use tobacco in any form. They drank no alcohol, coffee, tea, chocolate or cola drinks."

"These primitive peoples. . . were uncontaminated by civilization. Living as nature intended them to live, they were free from the miseries and diseases that plague civilized man."

"We are always hearing what civilization is doing for us but we seldom, if ever, hear what it is doing to us.

"Whole races have been wiped out and are being wiped out after introduction of the dead, devitalized diet called "civilized." In my life time, I have witnessed the almost utter destruction of the noble Hawaiian race from this cause."

"Among the Hawaiians who maintained their native diet, dental cavities or caries were only 2%."

"In contrast; those who had adopted the white man's diet of refined white flour products, refined white sugar, white rice, processed meats (such as hot dogs and luncheon meats), commercial dry cereals and canned goods showed 60 to 80% tooth decay. Many were suffering from degenerative diseases."

"The effect of our Western civilization's diet of death on other races is more rapid and therefore more apparent than what we are doing to ourselves. But the white man is eating his way out of existence. He is committing slow suicide on a racial scale."

Denis Burkett (M.D.) speaking at a Longevity Institute Seminar, January 14, 1977, stated: "It is a sobering thought to think that the many, if not most, of the diseases filling our hospital beds are potentially preventable. I hope to give you some evidence on which I base this statement. Diverticular disease is the commonest disease of the intestine in the Western countries, it affects about one person in three after 30 (approximately 50 million North Americans). None at all in rural Africa. The commonest adult emergency operation is appendicitis (as for) . . . those living in the traditional manner, I was in a missionary hospital with a missionary friend of mine, and after 34 years, he is still waiting to do his first appendectomy. I was with another doctor in Africa, who after 20 years had yet to see his first case of appendicitis.

Cancer of the large bowel is our most common after cancer of the lung. It is more commonly related to economic development than any other form of cancer. Always rare among traditionally living people, Hiatus Hernia is the commonest disorder of the stomach – affecting one in five. I wrote a paper on this some years ago with a friend of mine who was the only thoracic surgeon at an East Africa University (hospital). In eight years he never saw an African with hiatal hernia."

"Heart disease is the commonest cause of death in the Western world. One case has been seen in 15 million East Africans – virtually non–existent. 1/3 million gall bladders are taken out every year in the U.S. This works out to an average of 1,000 every day, except Sunday. I only removed two gall bladders in my 20 years in Africa."

Dr. Burkett named several other common degenerative diseases (varicose veins, hemorrhoids, diabetes, obesity and constipation) all practically non-existent, to those living in a traditional manner.

He went on to say "The above diseases are more than a hundred times commoner in the West. Now, let's look at the population of blacks in industrial South Africa. They have the same prevalence of these diseases as we do in America. So we cannot say these diseases are due to the color of the skin. They are due to the way we live. . . These diseases get worse from rural Africa to Westernized Africa.

Today it can be said that tens of thousands of Indian people in Canada subsist largely on products that are demonstrably destructive to their physical, mental and spiritual strength and development. The indiscriminate sale and promotion of junk foods. refined sugar, flour, soda pop, artificial, and other processed foods that are devoid of the protection, and lifegiving properties inherent in traditional whole foods is, putting it mildly, *a national crime and disgrace.*

Otto Schaefer (M.D.) veteran physician to Canada's northern Indian and Inuit confirms that "...obesity, excess fat and cholesteral levels in blood and tissues, gall bladder disease and adult–onset diabetes. . . all diseases typical of affluent Western societies. . . were either absent or rare in traditional American natives but during the last generation have reached rates of prevalance. . . far exceeding that in whites."

"Game and fish, native plants and berries once provided high protein rich Vitamin A and C diets which were also low in fat. But that has been replaced largely by junk foods. . . sweet drinks, candies, chocolates and sweet biscuits which are now fed to natives as young as six months old. . . The last two centuries have not. . . been kind to Canada's Native people in terms of their. . . health."

Malnutrition (Mal meaning incorrect, not necessarily a lack of quantity) has resulted in severe health problems for the Canadian Indian. It is clear that faulty nutrition is a major contributing factor in such common health problems as gall bladder infections, infectious diseases, high infant mortality, nutritional anemia, obesity, retarded physical growth, and chronic diseases. Diabetes has been reported to be as much as five times as high among Indians as among the general population.

And to quote Dr. Henry Kalenbaugh, who has worked among the Rosebud Sioux, "Nutritional deficiencies also relate to the mental functioning of a child, and extend to oral hygiene and vision problems, alcoholism, mental, and emotional, and behavioural diseases. Senility is now recognized as a result of long years of living on the marginal limits of nutritional adequacy."

Let us give further consideration to the historical facts. Dr. J. Hewett in an extraction from his published studies regarding Indian people states: "In bodily proportions,colour, gesture, dignity of bearing, the race was incomparable. It was free from our infectious scourges, tuberculosis, and syphilis, and the resulting physical deformities and mental degeneracies. It was probably free from leprosy, scrofula, and cancer, and it is safe to say that nervous prostration was unknown to the Indian."

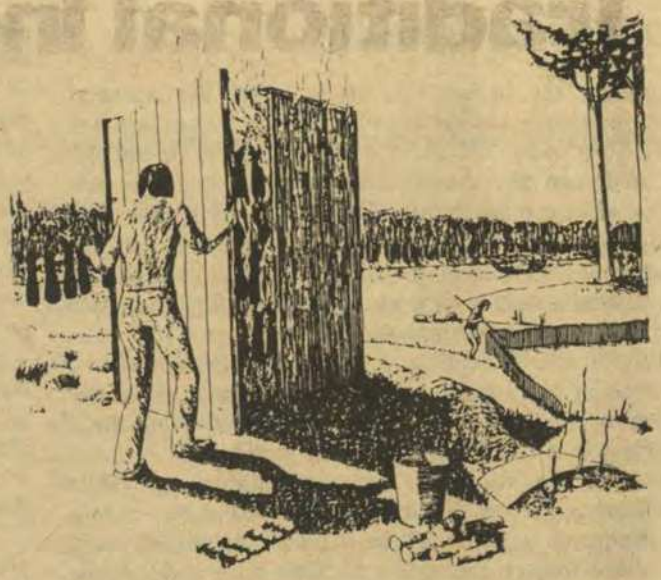
Early European observers, unanimously proclaimed the superior health of North American Indians, and their freedom from disease. The French writer, Michel de Montaigne in his *Essays I, 192–II* declared: ". . . as my testimonies have told me, it is verie rare to see a sick body amongst them."

Historian William Wood in reference to Indians of the New England area, remarked that most of them reached fifty before "a wrinkled brow or gray hair betray (sic) their age." Besides being possessed of "lusty and healthful bodies," they did not know. . . those health–wasting diseases which are incident to other countries, as fevers, pleurisies, callentures, agues, obstructions, consumptions, subfumigations, convulsions, apoplexies, gouts, stones, tooth–aches, measles, or the like, but spin out the thread of their days to a fair length numbering three score, four score, some a hundred years, before the world's universal summoner cites them to the craving grave."

In New Voyages II, 465, Baron de Lahontan wrote regarding Indians of French Canada, " the savages are a robust and vigorous sort of people, of a sanguine temperament, and an admirable complexion." They were "unacquainted with a great many disease that afflict the Europeans."

Aside from the abundant testimonies of historical observation, the science of paleopathology, (the archeological study of primitive skeletal remains) is an excellent method for determining the health and disease conditions of early Indians.

Dr. Ales Hrdlicka, a specialist in this field, states: "The skeletal remains of unquestionable precolumbian date



I BELIEVE THAT WHAT IS REQUIRED TO ACHIEVE THE INDIAN HEALTH THAT WE ALL DREAM OF AND HOPE FOR IS THE POLICY AND THE MEANS TO AFFECT A MASSIVE LIFESTYLE REEDUCATION OF INDIAN PEOPLE IN THE VITAL PRINCIPLES AND LAWS OF SOUND HEALTHFUL LIVING, HYGIENE AND DIET THAT WAS ONCE THEIR TRADITION. THE HERITAGE OF A LIFE THAT IS CLOSE TO NATURE, OBEYING THE CREATOR AND HIS LAWS...CAN ONLY BRING TO ANY PEOPLE GREAT BENEFIT, HAPPINESS, AND FREEDOM FROM DISEASE'

are, barring few exceptions, remarkably free from disease. Whole important scourges were wholly unknown. There was no pathologic microephaly, (abnormally small head). No hydrocephaly (abnormal quantity of fluid in the cranium). There was no plague, cholera, typhus, smallpox or measles. Cancer was rare, and even fractures were infrequent. There was no lepra (leprosy). . . there is as yet not a single instance of precolumbian syphilis. There were apparently no nevi (skin tumors). There were no troubles with the feet, such as fallen arches. . . there was a much greater scarcity than in the white population of many diseases of the skin, of most mental disorders, and of other serious conditions."

As a rule Indian women demonstrated an exceptional degree of strength and endurance. This could particularly be observed in the ease of child–birth among Indian women, long a cause of amazement to white observers. In *Josselyn, Two Voyages 99–100* we are told that Indian wives "have the easiest labour of any women in the world...They are delivered...not so much as groaning for it."

For sheer physical endurance the Indian people were historically without peer.

Ernest Seton writes, "In 1882, at Fort Ellice, I saw a young Cree who had just brought in dispatches on foot from Fort Qu'Appelle (125 miles away) in 25 hours. It created almost no comment. I heard little from the traders but cool remarks like 'a good boy,' ' pretty good run'. It was obviously a very usual exploit, among Indians." By comparison the endurance records of Pheidippides, the most famous runner of ancient Greece, are second–rate.

Vibrant health carries with it a remarkable ability to withstand and recover from severe wounds and accidents.

Historian John Lawson in 1714 wrote of an Indian who was "burnt in such a manner. . . that I did not think he could recover; yet cured in ten days, so that he went about. I knew another blown up with powder, that was cured to admiration." He went on to say, "I never saw an Indian have an ulcer, or foul wound in my life, neither is there any such thing to be found among them."

In the following century Dr. Eric Stone wrote: "Suffice it, that all military and medical observers who came in contact with the Indians agree that they recovered more rapidly than the white from most wounds. . . and many recovered from wounds which would have been fatal to the white man. . . gunshot wounds of the bladder were invariably fatal to the white,

INDIAN HEALTH CONT'D NEXT PAGE

(however) the Indians seemed to suffer this accident with impunity. Loskiel examined a man whose face had been torn away, his rib cage crushed, limbs ripped and the abdomen disemboweled by a bear, yet had been able to crawl four miles to his village and in six months had completely recovered, except for extensive scarring. Such records could be continued almost indefinitely as all observers were so impressed by this ability to survive terrific wounds that hundreds have been reported."

In 1891, Dr. D. Brinton in referring to the agricultural Indians of Northeastern America stated that physically "they were unsurpassed by any on the continent, and I may say by any other people in the world."

Despite the inroads of over two centuries of white civilization, George B. Grinnell tells us that out of tens of thousands of soldiers "the five companies (500 men) recruited from the Iroquois of New York and Canada, during the Civil War, stood first on the list among all the recruits of our army, for height, vigour, and corporeal symmetry."

Even as late as the 1912 Olympic Games the all–around athletic championship of the world was won by J. Thorpe, a Sauk and Fox Indian. At best, he was the pick of 300,000, while against him were white men picked from a 300,000,000 pop. base. Summarily all early contact historians of the 18th and 19th centuries concur that the Indian people represented the finest type of physical manhood the world has ever known. Primary to this physical development and manhood was allied a practical wholistic understanding of the interrelationship and interdependencies of the body, mind, and soul. Their full development was only formed in a lifestyle that was attuned and adapted to all of nature's laws. Among these many laws, the most basic and vital was the Indian closeness and trust in the Mother Earth, eating her foods untrammelled, unprocessed, even as the infant child eats directly from his mother's breast.

Indian people have travelled down a long and perilous road from being among the healthiest of the world's people to what appears to be a complete reversal of that situation.

It is high time that we examine the basic cause and reasons that have led to and perpetuated the present deplorable state of health breakdown among Canada's Indian people. To what degree did the traditional living mode and adherence to nature's biological laws have to do with maintaining Indian health and well–being? Is there a practical value and relevance to today's Indian people, and to all people, in the personal health care, hygiene, diet and disease preventive measures that were inherent in traditional Indian lifestyles?

Without question the damaging living habits of the dominant society as now adopted by virtually all Indian people, is the root and key to understanding the problem.

Dr. William Saunders, a preventative specialist, told me and I quote: "Indians fall prey to the white man's diseases not upon contact as the germ theory would require, but after they changed their way of life. The Indian way of life was balanced and in harmony with nature. When they introduced inappropriate measures from the white man's customs, imbalances were created and disease resulted."

Dr. Ross Hall, head of the Department of Biochemistry at McMaster University commented, "I believe Saunders has a point in that the changing Indian lifestyle may have had more to do with the rampant disease that occurred thereafter. A healthy body resists all diseases – the infectious as well as the degenerative, eg. cancer, heart disease, arthritis."

He went on to say "Health is not only a question of what the individual does, it is a question of what the parents and grandparents did. . . I agree with you that the pre–contact Indians had a deep–seated perception of the organic relationship of humans and nature. The organic nature of humans has not changed in thousands of years although the way modern society has evolved you would think that our organic nature is completely adaptable to the commercial, social system of the day."

"Implicit in this assumption is the idea that humans can be biologically adaptable to any set of circumstances. In actual fact, although the human body is quite resilient, it is not an adaptation which is occurring, it is mal–adaptation. All the disease and ill health that we note are expressions of mal–adaptations. All people in North America are suffering: 121,000,000 chronically sick, 16,500,000 have arthritics, 55,000,000 are suffering from heart and circulatory diseases, 11,000,000 are asthmatics and hay fever victims, 11,000,000 are alcoholics and 2,200,000 are incipient or acute diabetics. While each year $2,970,000,000 is spent on alcoholic beverages, $13,400,000,000 for tobacco products, $2,200,000,000 for cosmetics, and $3,300,000,000 for laxatives etc.. But perhaps the Indian population suffers most from this mal–adaptation. The dominant culture cut deeply the Indians' natural roots with nature and failed to replace this loss with anything substantial. Moreover, the worst aspects of the dominant culture seem to be imposed on the Indians. For example, junk food, inadequate living conditions, and faulty education."

Concurring with this view Abram Hoffer (M.D., Ph.D.) states: *"There is no doubt at all in my mind that the excessive consumption of highly processed foods (white sugar, white flour, soda pop, etc. . .) with it's high intake of (processed) sugar, fats, and refined starches, has been immensely damaging to Native people."*

How may a high state of health be found and maintained? How may we assure fullness of development, physical strength, and the freedom from disease and suffering? How may Indian people be returned to that soundness and integrity of structure with it's vigor and force of life that was once their heritage? To acheive this there must be a rediscovery, acceptance and reaffirmation of the traditional instinctive understanding that health can only be found in a positive recognition and fulfillment of all man's physical, mental and spiritual requirements. A knowledge and vision containing the perceptive wisdom that all those examples of abnormal activity called disease and all premature deaths not caused by violence, are due to habits and practices perfectly explainable and given the means, as perfectly avoidable.

I believe the greatest discovery (or rediscovery) of this era for mankind, surpassing in value all other discoveries that may be made in this or any other succeeding century, is the true and reliable science of health, or more precisely and properly, a science of life and living. It will render life and health as absolutely certain as chemistry, physics, electricity and even astronomy.

The world reknown scholar Ivan Illich (Ph.D.) in *Medical Nemesis* tells us "Contrary to current conventional wisdom, medical services have not been important in producing the changes in life expectancy that have occurred. . . Neither the proportion of doctors in a population, nor the clinical tools at their disposal, nor the number of hospital beds is a causal factor in the striking changes in over–all patterns of disease."

"Health is a task. . . Success in this personal task is. . . the result of the self–awareness, self–discipline, and inner resources by which each person regulates his own daily rhythm and actions, his diet (etc.)

"Healthy people are those who live in healthy homes on a healthy diet, in an environment equally fit for birth, growth, work, healing and eventually, dying."

The principal thesis of Dr. Illich is that *"the medical establishment has become a major threat to health.* The disabling impact of modern medicine and medical technology has reached the proportions of an epidemic."

In light of this perspective it is of major consequence and immediacy that the all essential and crucial foundation principles on which the Federal Indian Medical Service System is based, be questioned and thoroughly reviewed. For it is indeed tragic that in this so called "enlightened and modern age," Indian peoples (along with the general population) are progressively suffering and dying from so many diseases, all totally preventable by a better knowledge, and an improved lifestyle.

Admittedly health services and treatment have their place and application in today's society, however we can no longer complacently ignore the fact that despite tremendous expenditures and herculean efforts by government in planning, energy, and means to remove the symptoms and problems of disease – Indian health remains far, far, from what it must, and potentially could be.

The therapeutic system that is based upon natural or organic law is not empirical, experimental, haphazardous, nor employed haphazardly, it is a system established upon a settled and scientific basis, having fixed and true principles to guide the employment of all its measures. Every particular will conform to the principles of nature, and every result will be the result of unvarying accuracy.

The traditional Indian therapeutic system came much closer to fulfilling the criteria of the above fundamental principles for effective and non–destructive healing.

When it is clearly perceived that disease is simply the result of violating physiological law, one must logically conclude that a return to obedience is the first and primary condition of recovery. Dr. H. Shelton puts it well: "When misuse of the body and the means of life have resulted in disease, intelligence suggests that before health can be restored, the first and most important thing to be done is to correct the cause of illness, not by resort to means that are out of harmony with the human constitution, but by regulation of the means which sustain normal life and be cessation of bodily abuses."

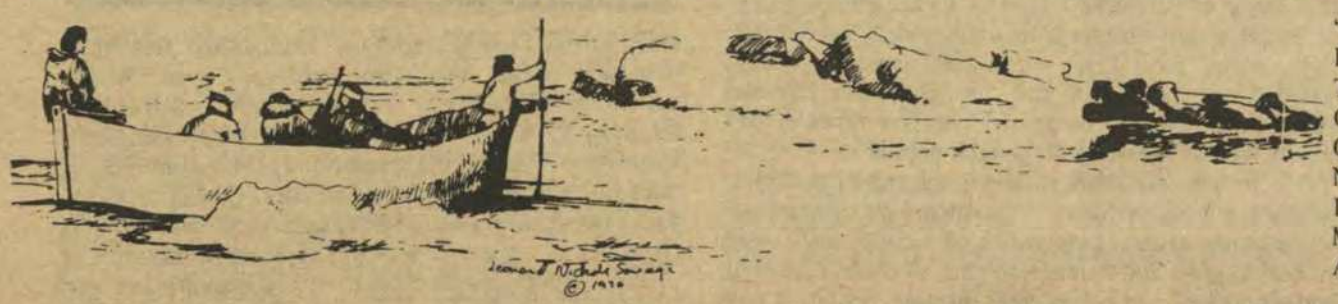
It should here be asked – is the Indian's solution to their great health problem to be found in imitating a larger society whose people seek to erase and absolve their errors of living through drugs and surgery? Or is there a far less dangerous, and more fundamental solution to be found in seeking the path that follows the ways and laws that bring life and health.

In concluding it must be emphasized that the widespread plagues of infectious and degenerative disease among Indian people, this recent historical phenomena of human misery and destruction, beyond any question, is both an unnecessary and avoidable condition.

I believe that what is required to achieve the Indian health that we all dream of and hope for is the policy and the means to affect a massive lifestyle reeducation of Indian people in the vital principles and laws of sound healthful living, hygiene and diet that was once their tradition. The heritage of a life that is close to nature, obeying the Creator and His laws, for keeping what He has written close to the heart can only bring to any people great benefit, happiness, and freedom from disease.

Those who find and practice this knowledge will come to understand it is much easier to be well than sick. Indeed health will come of itself, but we are in great pains to get our diseases.

The many forces of nature are pledged to the maintenance and recovery of our health. There is a better way, and I hope we will find it and walk in it, for the elements of an unbounded success are to be found in the old Indian way of health by healthful living.



"INDIANS FELL PREY TO THE WHITE MAN'S DISEASES NOT UPON CONTACT AS THE GERM THEORY WOULD REQUIRE, BUT AFTER THEY CHANGED THEIR WAY OF LIFE. THE INDIAN WAY OF LIFE WAS BALANCED AND IN HARMONY WITH NATURE, WHEN THEY INTRODUCED INAPPROPRIATE MEASURE FROM THE WHITE MAN'S CUSTOMS, IMBALANCES WERE CREATED AND DISEASE RESULTED."

SHORT NOTES

THE BAD RIVER CHIPPEWA'S RECALL VOTE

The Bad River Chippewa's Reservation located near Odanah in northern Wisconsin has after months of struggle and a 97 day occupation of tribal office effectively kicked out a corrupt tribal council.

The tribal council has greatly mismanaged the tribal funds plunging the tribe deeply into debt and has committed atrocious unjust dealings with the Chippewa people.

Thirty percent (30%) of the eligible voters signed a petition in accordance with their constitution and by–laws, which demanded a recall of tribal chairman Eugene Bigboy, vice–chairman Irma Nelis and the secretary. Bigboy's tribal council met and would not accept the recall petition. The tribal council adopted a official tribal roll of eligible voters which conflicted with a tentative list of eligible resident voters. Thirty–three names appearing on the tentative eligible voters list established by the recall election committee were not present on the official tribal roll. Included in the thirty–three were several persons whose signatures were on the petition calling for the recall vote.

An occupation or sit–in began which lasted 97 days. The protesters were subpoenaed into state court and ordered out of the tribal buildings. They moved out of the tribal buildings onto the ground surrounding the tribal buildings and continued their sit–in protest.

The protesters calling themselves the Concerned Citizens met for negotiations with the BIA and the Ojibway Justice Society as the tribal council called themselves. A panel of three Indian judges was set up as an arbitration board. This panel determined that the recall petition was indeed valid and ordered a recall vote held. After the recall vote the Bureau of Indian Affairs withdrew recognition of the original tribal council and they left office because the petition and recall vote were valid.

Sam Livingston was sworn in as tribal chairman, Allen Neveaux was sworn in as vice–chairman and Barbara Livingston was sworn in for the position of secretary. Vice–chairman Allen Neveaux in a phone interview stated that their community is slowly rebuilding and working hard to get itself out of debt.

It certainly seems that where Indian people determine to decide their own affairs and to decide who will govern them that they can and will go ahead to change the existing government or at least the people in those governmental positions.

LEONARD PELTIER

Leonard Peltier, the Lakota patriot, is currently fighting an inside–the–walls battle to keep himself out of the Behavior Modification Unit at Marion Prison in Illionis, where he has been re–incarcerated.

We urge all support groups to take a day to write letters to Warden Harold Miller, Marion Federal Penitentiary, Marion, Illinois, letting him know that the general public is concerned.

Leonard's struggle, as usual, is symbolic to the general fight by another 100 prisoners who are in the Behavior Unit at Marion. The St. Louis–based National Committee to Support the Marion Brothers is seeking congressional hearings in Washington, D.C., at which prisoners, their families and U.S. Bureau of Prisons officials could testify.

Martin Hill Sun Photos

"BILLBOARD BATTLE"

There are some amazing billboards along route 111 on Bob Hope Drive and Ramon Rd. in Riverside County, California. The beautifully illustrated and meaningfully worded billboards are on the Agua Caliente Indian land. The signs read: First Come, Last Served; Remember we took his land; The Vanishing American; What About OUR Human Rights; We have reservations ... about FREEDOM! All of this has of course caused an uproar among local residents, county officials and lawsuits are pending.

Michael Prieto, 22, owner of the land says that building the signs on his land was "just my way of showing that American Indians are still around and that they have problems". The messages on the signs and the fact that they were built on Indian land have greatly upset everyone.

The signs are being built by Naegele Outdoor Advertising Co. of California and they are being sued for violating local zoning laws, the county billboard ordinance and state laws.

Officials are saying that Indians have no legal right to contract for the construction of billboards on Indian land. This, of course, is being disputed in court.

It appears from clippings in local papers that local residents are much more upset about the social messages contained on the signs than the actual billboards. But, once again, issues of Indian people's rights are being decided in court.

GET READY FOR THE "FOOD CRISIS"

According to a *Parade* article, the world's farmland is shrinking. A fragile twelve–inch layer of topsoil lies on a crust of rock and soil as barren as the moonscape, yet last year 3 billion tons of U.S. topsoil washed away, almost 10% of it from Iowa alone, where an agricultural scientist says, "This topsoil simply cannot be replaced within our lifetimes or those of our children. The soil is gone, depleting the fertility of our land." Deforestation is given as the major culprit, for without the protective support of trees to other plant life, the land loses its capacity to absorb rainfall, which then washes away topsoil, silts up rivers and streams, and lowers the level of springs and wells. More than one–third of the earth's surface is now desert or semi–desert, and another 19%, spread among 150 countries, is threatened with desertification. In India, the Thar Desert has advanced towards New Delhi, engulfing more and more once–fertile land. Three–quarters of El Salvador's total land mass is blighted with accelerated erosion. Even the prolific backlands of France are producing less corn and other cereals due to lower soil fertility. The U.N. Environmental Program reports, "Restorative programs are desperately needed. Without them, entire countries in North Africa could be wiped out, completely disappear. The same thing could happen in northern Chile, southern Peru, India and Pakistan, Afghanistan and Iran."

RAIN AS SOUR AS VINEGAR

A *Christian Science Monitor* feature on the "Environmental Challenges for the 80s" suggests that new problems may arise from past successes in handling pollutants: higher smokestacks on industrial plants may lower the local air's content of pollutants but these materials now spread worldwide in the higher reaches of the atmosphere producing rain as acid as vinegar, an ominous new threat that is already turning some lakes in the northern hemisphere into dead bodies of water where fish and plant life cannot survive. In the 70s pollution control was aimed at point sources (the sewage treatment plant is suggested as the emblem of the era), but in the decade ahead the main problem may be runoff from the land itself, so poisoned has it become. Environmentalists stress the enormous damage to land, air, and water that would be caused by the various synthetic fuel proposals to make oil from coal and point out that conservation makes good economic sense: spending $10–15 per week to insulate a house can save $20–25 a week in heating costs. Finally it is reported that nearly two–thirds of polled Americans would rather pay higher prices to protect the environment than pay lower prices and have more pollution.

ATTORNEY FEES CHALLENGED

The U.S. Court of Claims has agreed to allow the Indian Law Resource Center to challenge attorney Robert Barker's petition for $2.6 million in legal fees arising out of work he did in the Western Shoshone land claims case. Barker was fired by the Temoak Bands after deliberately contravening their wishes in the course of handling the claim. In an order dated May 23, 1980 the Chief Judge of the Court of Claims , to hold a hearing at which evidence will be entered supportin the contention that Barker's handling of the case constituted malpractice. This action by the Court marks the first time that a claims attorney has been challenged for malpractice.

SHORT NOTES

Mt. St. Helens

Mt. St. Helens better known to the Indians as "Loo–wit Lat–kla" was named by non–Indians after Baron St. Helens who fought in the Indian wars from 1789–95, also known as the "Nootka Dispute".

The mountain is 9,677 feet high and has a long history of eruptions. One non–Indian back in the 1800s entered this piece of history, "This mountain has never been visited by either whites or Indians. The latter assert that it is inhabited by a race of beings of a different species, who are cannibals and for whom they hold a great dread."

What the writer was referring to was the Sasquatch known back then by the Indians as "Skoocooms".

Contrary to non–Indian belief, today's Cowlitz Tribal Chairman Roy Wilson says the Northwest slopes of the mountain belonged to the Cowlitz and the Southeast side was for the Klikitats.

"Our people have always used the mountain for spirit quests because we believe that the mountain always spoke of power," asserted Chairman Wilson.

Wilson also says that today a lot of the Cowlitz believe that the mountain's eruptions have a spiritual meaning.

"I believe that the eruptions are meant to give divine retribution to the whites for the desecration of our graves on the mountain." Wilson continued, "Some in the tribe believe that the mountain is speaking out about all the inequities brought about by the whites that began when we signed the treaty with Governor Isaac I. Stevens that ended the Indian wars."

Wilson says the tribe has been fighting for a reservation and rights it has never enjoyed since the treaty was signed.

"Our spiritual mountain is speaking out against the white man." said Wilson.

Puyallup Indian Tribal Chairman Don Matheson also a well known spiritual leader had some different comments about "Loo–wit Lat-Kla's" eruptions.

Matheson points out that an Indian prophecy calls for the destruction of the Pacific Northwest by the Great Spirit and man himself.

"What is happening with the mountain is going to spread. We don't know what kind of time frame we are talking about but this is a signal that the Indian prophecy which calls for the destruction of this world as we know it is going to happen." Matheson continued by saying, "We must ready ourselves spiritually and by being able to survive the masses. If it ends up every man for himself it would be very bad for everyone who survives the environmental changes."

Matheson stresses that the behavior and conduct of the people must reach the level of deity, "We must truly believe in the union of brotherhood and sisterhood. We must begin to store food, clothing and implements of self–defense. Survival tactics without changes will not survive."

Matheson concluded by saying, "The fun and games are over." (By Andy de los Angeles printed in Northwest Indian News, April, 1980.)

CONNECTICUT INDIANS/FEDERAL RECOGNITION/NARF

The Native American Rights Fund has been involved since 1975 in the land claims of the Mashantucket Pequot for 800 acres of land, and the Schaghticoke's land claim for 1,600 acres of land. Tom Tureen, of NARF, says they may settle out of court within six months. The land claims are based on violations of the 1790 Non–Intercourse Act by the state of Connecticut. Both tribes are seeking federal recognition in an effort to secure federal economic, health and educational benefits for their people. They also say that part of their pupose in pursuing federal recognition is to turn tribal lands into self–sufficient Indian communities.

The five groups of Indian people in Connecticut – the Mashantucket Pequots, Paucatuck Pequots, Paugusett's, Mohegan's, and Schaghticoke's – have already gained some levels of self–sufficiency which vary from making maple syrup, raising hogs, and raising gardens, to establishing a trading post. The question has been raised whether federal recognition will further or hinder their efforts at self–sufficiency. One member of the Schaghticoke tribe is not sure – he feels that federal regulations may interfere with their self–government. The Mohegans, who do not have a land base, are adopting a constitution which was formalized from laws passed on by word of mouth for centuries. They might also be wise to question whether federal recognition will hurt or help them.

BREAST–FEEDING IS HEALTHIER!

The great emphasis which this "modern society" has placed on bottle feeding babies is actually one of the prime causes of OTITIS MEDIA, (middle ear infections) which frequently cause hearing loss and in some cases, deafness. Dr. Otto Schaefer of Edmonton, Alberta and other doctors across Canada believe that breast–feeding provides the natural immunities to middle ear infection. Otitis Media has reached epidemic proportions in Native communities.

When mothers bottle feed their babies and the children are lying on their backs the formula can run through to their ears, where it causes infection. Studies in the U.S. have noted that in the Native American population, the eustachian tube, a drainage tube leading from the middle ear to the nose, may be defective in that it is too short or twisted in some individuals. So any situation where fluids can build up in the middle ear, behind the eardrum, should be avoided.

Dr. David Morwood, an ear specialist practicing in Yellowknife said, "It's (otitis media) one of the major health problems in the territories. And it's a problem caused by white people who convinced Natives that it was better to bottle feed their babies." The Spady Study, a joint study by National Health and Welfare, Canada and co–authored by Dr. Donald Spady of the University of Alberta, argues the one of the main causes for poor infant health among the Inuit is that Inuit mothers reduced breast–feeding, "to imitate the whites."

We are all aware that the push by multinational corporations to sell infant formula in third world countries has caused many infant deaths. Has the promotion of bottle feeding world–wide been only in the "best interests" of the multinationals? Yes, most definitely.

Health officials are now actively promoting the return to breast–feeding which offers protection against otitis media, protection against iron deficiency and allergies and which promotes healthy teeth along with the formation of a strong, healthy relationship between the mother and baby. It's time for all mothers to realize once again the natural process of breast–feeding which is in the best interest of all, except the multinational sellers of infant formula.

TOO MANY DAMS; NOT ENOUGH WATER

An inspection program by the Army Corps of Engineers, launched after a Georgia dam burst in 1977 killing 39 persons, has surveyed 4500 dams and found that 30% were unsafe and could, if they broke, cause loss of life and high property damage. (Last summer a uranium–tailings dam at Church Rock, New Mexico collapsed, and 95 million gallons of radioactive water doubly tainted with sulphuric acid poured into the Colorado River system. Five months later the "hot" water – initially monitored as 7000 times as radioactive as regarded safe for drinking – still flowed past Sanders, Arizona, 40 miles downstream, and scientists have only begun to calculate what the longterm effects of this, the largest nuclear accident in American history, will be.)...The islands of South Carolina have become a focus of the struggle against development, now that local permits have been granted for a 540–unit condominium and convention–center complex to be built only 100 feet from the edge of the usual high tides. Not only is the area environmentally fragile, but frequent storms have necessitated millions of dollars of erosion control that local property owners expect the government to pay for. According to the *Christian Science Monitor*, "Various experts stress that keeping other undeveloped barrier islands free of beach–front construction would avoid the need for costly anti–erosion projects at the expense of the nation's taxpayers".

MAINE LAND CLAIMS SETTLEMENT:

BOOK REVIEWS

HANTA YO – Is It Worth A Fight?

My first reaction was: Hey, it's only a novel.

For the past six months, it seems, every week's mail has brought us several reviews, letters, comments on the furor caused by the publication of HANTA YO the 834 page book by Ruth Beebe Hill on three generations of a Lakota band.

I read the book last fall. At the time I didn't pay too much attention to the rather grandiose claims by the author that the book constituted some kind of final and definite treatment on the realities of Plains Indian life of two centuries ago. Instead, for a month I made my way through it, reading, more or less, with an eye toward entertaining myself and as such, allowing myself to feel a kind of empathy one allows oneself usually toward a fiction story.

And what about it? Well, I liked it. It was a good story. Hey, it was a novel. It had some well–developed characters. It moved along rather slowly – but then that seemed appropriate for that kind of generational saga. Here and there, one could find a particularly striking scene; here and there a particularly insightful perception about what manner of life it must have been for the nomadic cultures of the Plains. I specially liked the scenes dealing with childhood, about the care taken with the development and socialization of the youth. The hunting scenes were also good – fast–moving, with a great deal of detail. I guess the whole book was good on detail: the way the people cooked, the way they preserved foods, the meticulous observation of the animal and plant life, the sense of distance and respect in family relationships. I would have to say that on the whole it built, little by little, a kind of subliminal, perceptual sense of what it may have been like back then.

Like I said: I enjoyed it. It was a good month's reading. The scene, toward the end of the book, when Ablezah's (the main character) people succumb to a bout of drunkedness was actually gut–wrenching. It spoke well and directly to the horrendously destructive effects of alcohol on traditional tribal peoples. And when Ableza prepares for his final battle, in fearlessness and devotion for the safety of his family – well, it was moving, it was good.

But what else? Is it a book that one would in any way call definite? Well, let's not get silly. That an author takes thirty years to write such a book? Well, one could say it was at least twenty years too many. (It makes one think of how many Indian writer could turn out such books if they only had the financial backing for such an endeavor.) That an author of such obvious talent would represent herself as some kind of spiritual/historical "bridge" between cultures, that she would in any way claim to have done something transcendentally "unique" – well, that's all a pile of B.S.

How could any one book definitely capture a living culture? How could any one person, particularly an outsider to the culture, and 200 years removed from the milieu she is depicting claim such a thing? It reminds one of those unfortunate Vietnam war veterans who lost friends or an arm or a leg to that dreadful war and now find themselves in the emotionately–bound state of having to defend their involvement in it. Such seems to be the case with Ms. Hill. After thirty years of living and breathing HANTA YO, she seems to be reacting to her critics with the same kind of inmature ferocity. At least that seems to be the case, if we are to believe the press clippings we are receiving these days.

HANTA YO – I would have never believed it would cause such a furor. So they want to make a sort of Indian "Roots" out of it, a television mini–series. Who cares? Maybe it will feed a few Lakota families this summer.

That there are some glaring and obvious (and maybe even insulting) mistakes in the book? Good, let the critics point them out. Let Ms. Hill not be so damn arrogant about herself. What I really have a hard time even contemplating is that there appears to be several groups of people out there who are into developing the anti–HANTA YO furor as some kind of national movement–picketing, leafletting, letter–writing campaigns.

That is really too much. My God, PEOPLE, don't forget that there is a *real* enemy, that in the next five (yes five!) years all that really remains of Lakota culture, which is considerable, all that really remains of Lakota land and jurisdiction and sovereignty and even health, all that remains of the sacred Black Hills is about to be really wiped out. And not by some little old white lady with overblown ideas about herself and her work – but by some huge multi–national energy–developing corporations which have already bought up half of the South Dakota State government and much of its land.

Read HANTA YO, if you will. Or don't read it. Leave it on the outhouse floor for others to read. Or use. When a TV series comes out on it – watch it. Or don't watch it. But don't waste your energy on it. It isn't worth *that* much. There just isn't enough time.

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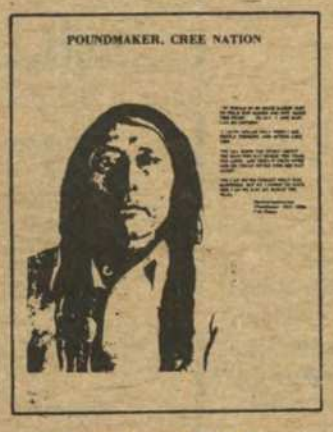

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FLATHEAD CHIEF 19

WOUNDED KNEE 3

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VOICES FROM THE EARTH

Speaker's Bureau

Within the past year the efforts of the U.S. government and multinational corporations have intensified to remove Native Peoples from their lands, to open new areas up to large scale exploitation, and to end Native resistance.

* In the Southwest, the U.S. government is attempting to forcibly relocate over 6000 Hopi and Dine (Navajo) people from their home lands, and open the area to large scale uranium stripmining.

* The Missouri River Basin has been declared a "national sacrifice area" to be depleted of its mineral, timber, and water resources. The Indian Claims Commission is attempting to wipe out Native claims to the Black Hills, and stop the one main area of resistance to this exploitation.

* Since June, the Mohawk Nation has been in a state of siege to prevent the arrests of Mohawk spiritual and political leaders by New York State Police.

In an effort to bring about accurate and concise information on these struggles, the VOICES FROM THE EARTH – Speaker's Bureau – is contracting with individuals from the affected areas to be available to come and visit your community, group, campus, or organization. The honorarium for speakers is $600.00, plus travel and expenses. For scheduling contact either Mike Myers of Ed Benedict at 518–358–9531. Monies earned from speaking engagement go directly to the peoples, organizations, or nations being represented. VOICES FROM THE EARTH receives a 10% commission for acting as agent and organizer.

Speakers presently available are:

* Ateronhiatakon – War Chief of the Mohawk Nation, and community organizer;

* Skaroniati – member of the Mohawk Nation and an education specialist in bi–lingual programs;

* Tekanientarekwen – member of the Mohawk Nation, a community activist/worker;

* Sotsisowah – Editor of Akwesasne Notes;

* Segwalise – Associated Editor of Akwesasne Notes;

* Lee Lyons – a member of the Seneca Nation, assistant professor at the State University of New York at Buffaloj

* Bruce Elijah – Faithkeeper of the Oneida Nation.

Upon request we can have speakers available from the Dine (Navajo) Nation, Hopi Nation, Lakota (Sioux) Nation, Black Hills Alliance, and other nations and organizations.

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INDIAN ELITE CONTINUED

These developments on the Northern Cheyenne Reservation are strikingly complementary to the major thrusts of the new federal Indian policy. This is not surprising as the interests of the new class of Indian bureaucratic entrepreneurs neatly dovetail with those of federal policy makers, corporate managers and CERT power brokers. Though quick to speak for the needs and in the name of tribal members, these groups are fully dependent on federal and corporate monies, must accept the corporate and federal priorities, and attempt to administer federal and corporate policies. Not having cemented their own power base, the bureaucratic entrepreneurs dare not allow the mass of tribal members any opportunity or information needed to speak or think for themselves. In effect, reservations all over the country are being molded to the needs of the federal government and large corporations: increasing centralization of bureaucratic controls, weakening the traditions of public participation in decision making, and selling tribal sovereignty through negotiations. While local and personal, reservation politics are thus fully contained within the larger context of U.S. political economy – already dominated by the federal government and large corporations. Thus, an agreement with an oil and gas corporation on Northern Cheyenne can easily become the first step in transforming the reservation into a part of the National Sacrifice Area. The refusal to allow public participation and public information can easily become the first act of a transformed tribal governmental structure managed by a new Indian bureaucratic elite. Policies like SEDS can easily become the first initiative of a centralized bureaucracy isolated from the very people they are supposed to represent. Unless tribal members assert, insure and define their own rights and duties, others will define and impose theirs.

A greater participation in tribal affairs is crucial to the survival of the Northern Cheyenne people. Tribal governments must be made to serve the wishes of the people, and can only be kept in check by that same vociferous population. A big fear is pervasive at this time, effectively curtailing all popular participation. Apathy reigns. But where are the "fighting Cheyenne", and other Native people whose legacy is rich in risks for the continuation of the tribe? Inactivity for the sake of a job seems petty compared to the perils of Little Wolf and Morningstar.

The issues seem clear. The stakes are the very existence of native peoples and their cultures. The decision now rests with the native peoples themselves. To be silent is to accept the direction and consequences already established by federal officials and corporate managers. The result could be the final "negotiated" solution to the "Indian problem", and the destruction of a major alternative to the values of a capitalistic world.

"Whatever my brothers become
that's what I'll be too..."
(Northern Cheyenne Warrior Society Song)

Sweet Medicine (Cheyenne Prophet) said:

"They will be people who do not get tired, but who will keep pushing forward, going, going all the time. They will keep coming, coming. They will try always to give you things, but do not take them. At last I think that you will take the things that they offer you and this will bring sickness to you. These people do not follow the way of your Great–Grandfather. They follow another way. They will travel everywhere, looking for this stone which our Great–Grandfather put on the earth in many places...

"They will work with their hands. They will tear up the Earth, and at last you will do it with them. When you do, you will become crazy, and will forget all that I am teaching you.

"After this", said Sweet Medicine, "The people shall have always weak eyes from these ashes and this smoke. "These people will not listen to what you say; what they are going to do, they will do. You people will change: In the end of your life, in those days, you will not get up early in the morning; you will never know when day comes; you will have disease, and will die suddenly; you will all die off."

**

NATIVE NATIONS CON'T FROM PAGE 23

At present, there is a working agreement between at least 10 Traditional governments to work in alliance in international matters. Within this context, there is a mutual recognition of the particular struggles each is facing, as well as common goals that have been established that they can cooperate on working towards. It is recognized that each is responsible for the liberation and the development of their territories, which is the real work of governments, and not organizations.

There have been many attempts to "nationalize" the problems of Native peoples, such as attempting to bring all the different nations under a so–called national Native government. Much of this kind of thinking has been carried on by different organizations in what is actually a perverted attempt at assimilating all the Native nations into one form. Such thinking fails to realize, or recognize, the true nature and spirituality of Native nations and cultures. Each is different because of the environments they have flourished in. Each understands their existence from within specific spiritual understandings and teachings. Each is a sovereign and independent entity, with all of the responsibilities and duties of a sovereign entity. Their unity comes from the common spiritual teachings they share as the caretakers of North America.

It is precisely these spiritual teachings and beliefs that have formed the real backbone of Native resistance over these many years. The spirituality of Native people is the exact element of what identifys them as people of the world and the Universe. The spiritual definitions of what makes each nation unique are the sources from which the nature of Native politics draws it's definitions. The Traditional governments are the only true representatives of this spirituality, and perpetuators of this legacy.

Organizations do not have a spirituality of their own, their members must always return to their nations to seek the definitions of who they are as the Real People of North America. Organizations have no real history, culture, tradition or language, all of the elements that define peoples as nations and members of the world community. For the most part, organizations exist as vehicles through which individuals can achieve ego gratification. As such, they do not exist as legitimate representations of the Native peoples or nations, and serve the cause of "divide and conquer" by dividing people's loyalties away from their origin and birthrights.

As the international context of the Native struggle grows and matures, peoples throughout the world will understand these dynamics more clearly. Native peoples and nations have much to contribute to the development of the world community. They have already been the inspirations of the American and French revolutions, as well as the concept of "classless society". There is more that can be learned from Native societies, but this process can only occur once the legitimacy of Native nations and peoples is recognized and protected within international circles.

LEGAL BRIEF CON'T FROM PAGE 10

began in 1802. In March of 1802 messengers from the village of St. Regis brought a petition to the state legislature indicating a desire to have their lands surveyed and complaining of a lease agreement on a part of the lands. The legislature responded by passing an act on March 26, 1802 which appointed William Gray, Louis Cook, and Loren Trabell trustees for the tribe for the purpose of leasing a ferriage and other lands and applying the proceeds for a school. The act also made it "lawful" for the tribe to hold a yearly election for clerk and to choose trustees "if they shall judge such trustees to be necessary."

Of these "trustees", William Gray was a white man who acted as interpreter in dealings with the state. Because of linguistic and cultural differences, the interpreter was a uniquely powerful figure in the early treaty relations between the Indian nations and the state and federal governments. By an act of April 9, 1801, the state legislature expressed a desire to acquire Mohawk lands on the Grass River and appointed an agent to conduct a treaty. The agent was also authorized to extinguish the ferriage over the St. Lawrence River. The same act patented 257 acres of the Salmon River tract reserved in the 1796 Treaty including the mill to one William Gray.

Another of the trustees was Col. Louis Cook, as previously noted, a black man who had been an officer in the army of the United Colonies. The third trustee Loren Tarbell, was the descendant of one of two white brothers that had been captured by the Caughnawauga Mohawks in a raid on Groton, Connecticut. The three original trustees appointed by the state were not Mohawks.

In 1818, the legislature in response to a petition from Loren Tarbell, the only surviving trustee, appointed Peter Tarbell and Jacob Francis to replace Cook and Gray, then deceased. History does not record many of the actions of the trustees during the course of the 19th Century. However, *the names of the trustees appear on* all of the spurious treaties with the state in which reserved Mohawk lands were ceded to New York.

Throughout this period and into the present, Akwesasne has had a traditional government rooted in the Mohawk clans. The method for choosing the chiefs in the 19th Century was described in a petition to the Governor General of Canada in 1898:

. . . the ancient custom of creating life chiefs is that they are selected according to the different clans, there being three from each clan, and also three women who select her special chief from among her clan. As there is four distinct clans, there is twelve life chiefs, who hold their offices for life.

The *Whipple Report* acknowledged in 1889 that "they send men who act as chiefs to represent them in the councils of the Six Nations." Despite the efforts of New York to ignore and supplant the traditional government at Akwesasne, a traditional Council of Chiefs continues to perform the governmental functions of the Mohawk Nation and continues to sit in the Grand Council of the Six Nations Confederacy. The Mohawk Nation has never consented to any other form of government in the Akwesasne Territory.

The enactment of Article 8 of the New York Indian Law is an unconstitutional interference of the right of the Mohawk Nation to self–government that is recognized in the Treaties of Fort Stanwix and Canandaigua. The Constitution of the United States grants to the federal government exclusive authority over Indian affairs. In matters involving only Indians on an Indian reservation the state has no authority in the absence of specific legislation by Congress.

The federal courts, including the Supreme Court, have time and again reasserted the principle that the state has no power to apply its laws to Indian affairs. The recurring theme in the federal decisions is the right of the Indians to conduct their affairs free of state law.

Children's Notes

URANIUM, RADIATION AND INDIAN PEOPLE

The Navajo, the old people, say that the way they live is a good way. They raise sheep and other animals and each clan has it's own gardens. The Navajo have natural springs for water. The old people use plants, or herbs, that grow in Navajo land for medicines.

They have their own language, Navajo, and the people call themselves the Dene Nation. They have lived in the Southwestern part of the United States for hundreds and hundreds of years before it became the United States.

The old people teach the children to protect the Mother Earth by taking good care of the earth's resources because those resources were put there by the Holy Being. They live by the natural laws, the prayers, the ceremonies and the songs.

They have four sacred mountains. Big Mountain is one of those mountains which has sacred stones – turquoise and white shells – that are used as offerings to the Holy Being(s) so the Holy Being(s) will bless the land and bless the livestock.

Life means a lot of hard work, but the Navajo people don't mind because their families are strong, they eat healthly food which they grow themselves, they speak their own language and they work hard to protect the Mother Earth.

About 20 to 30 years ago, everything started to change. The big business companies such as Exxon and Kerr–McGee and others, started to *dig mines to get uranium that is underneath* Navajo land.

Uranium is used by nuclear power plants to make electricity, nuclear medicines, x-rays, atomic bombs and nuclear weapons.

There are several problems with uranium. One problem is that when the big companies strip mine Navajo land to get the uranium, the companies dig up the earth and this destroys plants and animals.

Another problem with uranium is that it is radioactive. Radioactivity is very dangerous because it ruins the water, kills plants and animals , and it kills people.

Many Navajo men were miners in the uranium mines for years. Today of 100 Navajo uranium miners, 27 are dead from radiation–caused cancer and many more Navajo miners are very sick and dying. This means that there are Navajo children who no longer have fathers.

Being near radiation causes many sicknesses like lung cancer, blood cancer, bone cancer and leukemia. All of these diseases cause death.

Radiation can cause mothers to lose their babies before it is time for the baby to be born. If the baby is born, the baby might be deformed.

Everyone who has a x–ray is getting radiation in their bodies. So be careful not to have too many x–rays.

Radiation is very high and it is everywhere in Navajo country because of the mining for uranium. Big Mountain is being taken away from the Dene people because there is uranium and coal under the mountain.

PINE RIDGE

Other Indian people are having problems because they have uranium on or near their lands. The Black Hills in South Dakota, which are sacred to the Lakota people have been mined for uranium. This uranium mining has polluted the drinking water on the Pine Ridge Reservation. The women there are losing their babies. The babies that are born have problems.

One family, the Braffords (who are Lakota) bought a house in Edgemont, South Dakota and lived there not knowing the house was radioactive. Their house had been built from radioactive uranium mill tailings.

Their son, Christopher, age 5, had been sleeping in the basement for two years. The basement was the most radioactive room in the house. No one knows for sure exactly how much damage has been done to this family. They need many costly medical tests done. The real harm may not show up for a few years but the family is frightened because they know radioactivity is so dangerous.

NUCLEAR FUEL CYCLE

After the uranium is mined and milled it leaves radioactive mill tailings. Many times these mill tailings are put into big piles near the mine and left. Navajo children have played on these mill tailings piles, not knowing they are radioactive.

The uranium is shipped to the nuclear power plant where it is processed or used to make the electricity, atomic bombs, etc. After the uranium has gone through the nuclear power plant it becomes much more radioactive than it was when it was first mined.

After the uranium is used in the nuclear power plant it becomes radioactive waste. Most of the radioactive wastes are stored in big storage pools near the nuclear power plant.

This Spring (May 1980) the nuclear power plants started to ship the nuclear wastes to new storage places. These radioactive nuclear wastes are carried in trucks over the same highways you and I travel on.

It seems that everywhere we are exposed to radiation. Many, many people are involved in anti–nuke groups. These groups are against the harmful radiation caused by nuclear power. They have meetings, marches, and protests against nuclear power.

Some radioactive nuclear wastes are going to be shipped right through the Mohawk Nation Territory where we live. The Mohawk Chiefs are protesting this. They say they will not allow nuclear wastes to travel through Mohawk lands because it is much too dangerous and would cause much sickness among Mohawk people if there was a accident and the radiation would hurt the Mohawk people.

There are more articles in this issue of Akwesasne Notes which you and your parents can read to find out more about nuclear power and Native people.

BOOKS OF INTEREST

CLOVER FIELD – THE NO–NUKES COLORING BOOK

By: Steve Gottlieb
Available from: The Hudson Valley Alliance, PO Box 270, Bearsville, N.Y. 12409

This 21 page booklet is about a boy named David and his friend Fred. They have a fort and they use signs that say: NO NUKES to build their fort. But these people blow it up because they are going to build a nulear plant there.

Davids father got sick from working in that nuke plant. He was losing weight and his hair. Mother was pregnant, then she lost the baby.

David and his family had to stay in their basement for two weeks because the nuclear plant exploded.

Review by Karontote, age 9

WHAT KIND OF PLANT IS THIS?

By: Debra Crerie, Nicola Bastian
Printed by: Women Concerned About Nuclear Power, c/o Potomac Alliance, Box 9306
Washington, D.C. 20005

What kind of plant has no leaves, no flowers, no smell and is dangerous? Well, this coloring newspaper tells about an Indian child, Russell, and his two friends Adam and Sasha, and the dog. Russell has one of these nuclear plants near his home. They go to see this nuclear plant. They see a sign that says: NUCLEAR POWER PLANT – DANGER: RADIOACTIVE.

What is radiation: can you see it, smell it? Ask the children. This book also tells the kids about the dangers of radiation. It tells how it kills the animals and contaminates meat and milk. It tells how this radiation can kill you. There is a special sign for NO NUKES

Review by Ioawiea, age 13

DO YOU REMEMBER?

1. Uranium is used by nuclear power plants to make:

2. Name 3 diseases caused by radiation:

3. What is happening to the Navajo, Lakota and the Mohawks?